

established under it shall continue unimpaired.

ARTICLE XIII.

This compact shall become binding and obligatory upon the signatory States the legislatures of which shall have approved the same, when such legislatures have approved the same and such compact shall have been approved by the Congress of the United States. Notice of Approval by the Legislatures shall be given by the Governor of each Signatory State to the Governors of the other Signatory States, and to the President of the United States, and the President of the United States is requested to give notice to the Governors of the Signatory States of approval by the Congress of the United States.

ARTICLE XIV.

This compact is executed, an original for each Signatory State, and one for the United States of America, and an original shall be deposited in the archives of the Department of the State of the United States of America and one in the archives of the Department of State of each Signatory State which shall approve and adopt the same, and copies thereof duly authenticated by the authority of any adopting State, or of the United States, shall be received in evidence in all courts of adopting states, and of the United States.

Executed this Thirty-first day of December A. D., One Thousand Nine Hundred Twenty-Six.

Jones, Freeland, Briscoe, Stinnet, Blake, Harrill, Kenneck.

Sec. 2. It is expressly provided that the Compact above mentioned in Section 1 of this Act is adopted subject to the following expressed conditions:

1. That the State of Texas, in co-operation with the Signatory States, and, as the case may be, with other States and the Federal Government, shall investigate the feasibility, practicability, and utility of the project provided for in said compact;

2. That, if such investigation should disclose the feasibility, practicability, and utility of said project, then a supplemental compact shall

be entered into by the State at interest or the States and Federal Government, as the case may be, embodying a fair and equitable allocation between the several signatory parties of the costs and benefits under the project.

Sec. 3. The importance of this Act creates an emergency and an imperative public necessity demanding the suspension of the Constitutional Rule requiring all bills to be read on three several days in each House, and that this Act shall take effect from and after its passage, and said Rule is hereby suspended, and it is so enacted.

THIRTY-FIFTH DAY.

Senate Chamber,

Austin, Texas, Feb. 22, 1929.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petition and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Parrish:

S. B. No. 585, A bill to be entitled "An Act amending Article 7332 of the Revised Civil Statutes of 1925 relating to delinquent taxes and the fees of officers in connection with same, so as to require all officers mentioned in said Article to account for all fees provided in said Article for such officers as fees of office subject to the provisions of the maximum fee bill and laws of this State; and declaring an emergency."

The bill was read first time and referred to Committee on State Affairs.

By Senator Williamson.

S. B. No. 586, A bill to be entitled "An Act fixing the compensation of Justice of the Peace in Counties containing Justice Precincts where there is a population of one hundred twenty-five thousand inhabitants or more according to the last Federal census; and fixing the salary of the Justice of the Peace in such Precincts and fixing the number of Clerks and Deputies for said Justice of the Peace in such Precincts and fixing the manner of their appointment and payment of their salaries and amending Article 3935 of the Revised Civil Statutes of the State of Texas, and declaring an emergency."

The bill was read first time and referred to Committee on State Affairs.

By Senator Miller.

S. B. No. 587, A bill to be entitled "An Act making it unlawful to shoot at or kill any wild deer in Parker or Palo Pinto Counties, and providing a penalty, and declaring an emergency."

The bill was read first time and referred to Committee on State Affairs.

Bills Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 458.	H. B. No. 413.
H. B. No. 455.	H. B. No. 161.
H. B. No. 163.	H. B. No. 7.
H. B. No. 84.	H. B. No. 180.
H. B. No. 75.	H. B. No. 216.

Free Conference Committee Report.

Senator Pollard sent up the following Free Conference Committee Report:

Committee Room,

Austin, Texas, Feb. 22, 1929.

Hon. Barry Miller, President of the Senate, and

Hon. W. S. Barron, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed by your respective bodies to consider S. B. No. 238, have had said bill under consideration and beg leave to report that we have reached the following agreement:

The principal points of disagreement between the two Houses were the matter of paying for the Summer Schools of 1928, and for appropriations for additional equipment for the engineering and science buildings of the Texas Technological College at Lubbock.

The Senate Bill provided for the payment of unpaid portions of teachers' salaries and also to reimburse the local funds used by such institutions in paying the expenses of such Summer Schools; while the House had stricken the entire appropriation for the 1928 Summer School from the bill. The Senate Committee receded from its position to reimburse the local funds of the Educational Institutions for amounts expended for the 1928 Summer Schools; while the House Committee agreed to pay unpaid portions of teachers' salaries of same.

An appropriation of \$50,000.00 each for additional equipment for the engineering and science buildings carried in the Senate Bill and stricken out by the House was restored to \$25,000.00 for each building.

No appropriation was carried in the Senate Bill for the 1929 Summer School at A. & M. College, and an appropriation of \$15,000 is included in this report.

Emergency appropriations of \$400,000.00 for rural aid carried in the Senate Bill and eliminated by the House because the latter had already passed a separate bill caring for this emergency, was restored by including in this report \$375,000.00 for such purpose, because it was

decided this would expedite this matter.

An item of \$300,000.00 to carry out the provisions of Chapter 36, Acts of the Fortieth Legislature, guaranteeing a six months term to rural schools qualified to receive such, is inserted in this bill, and is the same as contained in H. B. No. 573.

The other changes are small in amount and will more fully appear by reference to the Conference Committee report attached hereto and made a part hereof.

Respectfully submitted,

POLLARD,
THOMASON,
MILLER,
PATTON,
MOORE,

On the part of the Senate

WALLACE,
McGILL,
WOODALL,
MURPHY,
GRAVES,

On part of the House

A BILL

To Be Entitled

An Act making certain emergency appropriations out of the General Revenue of the State of Texas for the several institutions and departments of State Government as named herein for the balance of the fiscal year ending August 31, 1929, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the following sums of money be, and the same are, hereby appropriated out of any money in the State Treasury not otherwise appropriated, to cover emergency appropriations for the several institutions and departments of the State Government named herein, for the balance of the fiscal year ending August 31, 1929, which appropriations shall be immediately available, and shall be for the emergencies hereinafter stated.

The Agricultural and Mechanical College:

Session of summer school for the year 1929.....	\$ 15,000.00
For a tunnel to connect the new library building to the main system, and for the installation of water mains, sewer mains, steam mains, electric light mains.....	25,000.00
For expenses of foul brood inspectors in the administration of the Foul Brood Law, the Division of Entomology, Foul Brood Eradication, for the period from January 1, 1929, to August 31, 1929	3,000.00
Total	\$ 43,000.00

North Texas Agricultural College:

General repairs on buildings	4,629.98
Lights, heat, power, water and fuel for the year ending August 31, 1929	4,085.93
Janitor's supplies	435.00
Student labor used in the operation and maintenance of the College for the year ending August 31, 1929	1,000.00
Printing catalogues, bulletins, etc.	675.00
Departmental maintenance for agriculture.....	1,044.00
Total	\$ 11,869.91

John Tarleton Agricultural College:

Summer school session for the year ending August 31, 1928	9,930.53
Summer school session for the year ending August 31, 1929	17,000.00

Heat, light, power, water, sewerage, etc., for the year ending August 31, 1929	7,000.00	
Repairs on buildings	15,000.00	
Printing catalogues, bulletins, etc.	1,500.00	
Departmental maintenance	5,000.00	
Salaries	5,000.00	
Erection and building of streets and drainage system of the campus	12,000.00	
Total		\$ 72,430.53

University of Texas:

Session of summer school for the year 1929 ...	5,000.00	
Session of summer school, College of Mines and Metallurgy	3,000.00	
Total		\$ 38,000.00

College of Industrial Arts:

Session of summer school for the year 1928 ...	15,607.96	
Session of summer school for the year 1929 ...	25,250.00	
Departmental maintenance and repairs	13,500.00	
Salaries for long term	22,425.00	
Additional salaries, second semester	2,400.00	
Hospital and equipment	50,000.00	
Total		\$ 129,182.96

Texas Technological College:

Additional salaries for janitors	4,400.00	
For additional maintenance for current year ..	25,000.00	
Deficit of 40 per cent on summer school salaries last summer	15,983.45	
Additional salaries for summer school 1929 ...	30,000.00	
Additional equipment needed for science building	25,000.00	
Additional equipment needed for engineering building	25,000.00	
Additional equipment for home economics	10,000.00	
Total		\$ 135,383.45

East Texas State Teachers College:

Session of summer school for the year 1929 ...	25,000.00	
Fuel, heat, light, power, etc.	2,500.00	
Total		\$ 27,500.00

North Texas State Teachers College:

Session of summer school for the year 1928 ...	19,054.74	
Session of summer school for the year 1929 ...	60,000.00	
Total		\$ 79,054.74

Sam Houston State Teachers College:

Session of summer school for the year 1928 ...	6,220.00	
Session of summer school for the year 1929 ...	25,000.00	
Replace equipment of cafeteria destroyed by fire	4,200.00	
Curb, gutter and repairs on roads on campus ..	3,370.00	

Necessary expenses for preservation and maintenance of Sam Houston Home Ground	8,000.00	
Total		\$ 46,790.00

South Texas State Teachers College:

Summer school salaries for the year 1928	8,302.34	
Session summer school for the year 1929	21,923.00	
Total		\$ 30,225.34

Stephen F. Austin State Teachers College:

Session of summer school for the year 1928	6,133.00	
Session of summer school for the year 1929	25,000.00	
Fuel, heat, plumbing, etc.	3,000.00	
Additional teachers for the spring term of 1929	2,400.00	
Total		\$ 36,533.00

Southeast Texas State Teachers College:

Session of summer school for the year 1928	6,079.00	
Session of summer school for the year 1929	26,000.00	
Fuel, water, lights, heat, power, etc.	1,750.00	
Improvement of Home Economics Building	5,000.00	
Total		\$ 38,829.00

Sul Ross State Teachers College:

Session of summer school for the year 1928	5,622.18	
Session of summer school for the year 1929	17,658.85	
Repairs on Administration Building roof	1,000.00	
Heating plant at president's residence	1,200.00	
Completion of gymnasium building	10,356.10	
Paving streets around college campus	2,053.85	
Total		\$ 37,891.06

West Texas State Teachers College:

Session of summer school for the year 1928	11,569.32	
Session of summer school for the year 1929	26,000.00	
Fuel, lights, heat, power, etc.	6,000.00	
Repairing roof, boiler and putting in new water heaters, etc.	2,327.86	
Total		\$ 45,897.18

Rural Aid Appropriations:

For the purpose of paying the valid claims against the State of Texas, and the carrying out of the provisions of Chapter 36, General and Special Laws of the Fortieth Legislature, for the year ending August 31, 1928, as approved by the State Board of Education	175,000.00	
For the purpose of paying the valid claims against the State of Texas, and the carrying out of the provisions of Chapter 36, General and Special Laws of the Fortieth		

Legislature, for the year ending August 31, 1929, as approved by the State Board of Education 200,000.00

There is hereby appropriated out of any funds in the State Treasury not otherwise appropriated the sum of \$300,000.00 or so much thereof as may be necessary to guarantee a term of six months to every rural school which is qualified to receive such aid under the provisions of Chapter 36, Acts of the Fortieth Legislature.

Total of Rural Aid Appropriations \$ 675,000.00

Grand Total of Emergency Appropriations \$1,447,607.17

Sec. 2. The fact that the appropriations for the above items are exhausted or will become exhausted before the expiration of the time for which the same were appropriated, creates an emergency and an imperative public necessity, which justifies the suspension of the constitutional rule requiring bills to be read on three several days in each House, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Read and adopted by the following vote:

Yeas—29.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodward.
Miller.	

Absent.

Woodul.

Absent—Excused.

Neal.

Motion to Concur,

Senator Witt moved to concur in the House amendments to S. B. No. 73. The motion prevailed.

Senate Bill No. 129.

Senator Holbrook moved that

S. B. No. 129 and the substitute be laid on the table subject to call. The motion prevailed.

S. C. R. No. 22.

Senator Greer moved to take up out of its regular order S. C. R. No. 22.

Senator Love moved the previous question on the motion and the resolution. The motion was lost.

On motion of Senator Love, the previous question was ordered on the pending motion.

The motion to suspend the rule and take up the resolution was lost by the following vote:

Yeas—16.

Berkeley.	Moore.
Cunningham.	Parr.
Gainer.	Parrish.
Greer.	Patton.
Hornsby.	Small.
Hyer.	Stevenson.
Love.	Williamson.
McFarlane.	Witt.

Nays—12.

Beck.	Miller.
Cousins.	Pollard.
DeBerry.	Russek.
Hardin.	Thomason.
Holbrook.	Westbrook.
Martin.	Wirtz.

Absent.

Woodward.

Absent—Excused.

Neal.

Woodul.

Motion to Print.

Senator Love moved that S. B. No. 23 be printed in the Journal and not in bill form. The motion prevailed by the following vote:

Yeas—18.

Beck.	Love.
Berkeley.	McFarlane.
Cousins.	Moore.
Cunningham.	Parrish.
DeBerry.	Patton.
Greer.	Pollard.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Woodward.

Nays—8.

Gainer.	Russek.
Martin.	Small.
Miller.	Williamson.
Parr.	Wirtz.

Absent.

Hyer.	Witt.
Westbrook.	Woodul.

Absent—Excused.

Neal.

(See Appendix.)

Senator Love moved that S. B. No. 24, with a favorable minority report, be printed in the Journal.

Messages From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, Feb. 22, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. B. No. 608 by a viva voce vote.

The House has concurred in Senate amendments to H. B. No. 92 by a viva voce vote.

The House has adopted the Free Conference Committee Report on H. B. No. 248 by a viva voce vote.

The House has adopted the Free Conference Committee Report on S. B. No. 238 by a viva voce vote.

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Feb. 22, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

By Mr. Pope of Nueces:

H. B. No. 58, A bill to be entitled "An Act to amend Chapter Three of Title 67 of the 1925 Revised Civil Statutes of the State of Texas, by adding thereto Article 4054a, to provide that sand and other deposits taken for the raising of the grade of the salt flats in the northern part of Corpus Christi and the lowlands lying north of the northern boundary line in the city of Corpus Christi, in Nueces county, Texas, and south of the boundary line of the town of Portland, in San Patricio county, Texas, shall be exempt from the provisions of said Title 67, and declaring an emergency."

By Mr. Land:

H. B. No. 641, A bill to be entitled "An Act creating a more efficient road system for Motley county, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners' court; providing for the laying out, establishment and construction of roads, bridges and culverts, and for the repair and maintenance thereof; providing that the commissioners' court shall co-operate with the State Highway Department in the establishment and construction and maintenance of roads, bridges and culverts to be paid for partly by the county and partly by the State or Federal government."

By Mr. Gates:

H. B. No. 681, A bill to be entitled "An Act creating a special road law for Karnes county, Texas, requiring surety bonds of road overseers, containing a provision that said county may fund the legal indebtedness outstanding against its road and bridge fund as of January 1, 1929, setting forth the method of said operation."

By Mr. Dunlap:

H. B. No. 589, A bill to be entitled "An Act creating and establishing Starr County water control and improvement district No. 1. in Starr county, Texas, under Section 59 of Article 16 of the Constitution of the State of Texas, for the purpose of the control, storing, preservation and distribution of its waters and flood waters, the waters of its streams and rivers, for irrigation, power and all

other useful purposes, the reclamation and irrigation of its arid, semi-arid and other lands needing irrigation, the reclamation and drainage of its overflowed lands and other lands needing drainage, the conservation and development of its forest, water and hydro-electric power, and the preservation and conservation of all such natural resources of the district, and with the powers, authority, rights, privileges and functions conferred in this Act and those provided and set out in Chapter 25 of the General Laws passed by the Thirty-ninth Legislature at its regular session and acts amendatory thereof now in force or which may hereafter be passed."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Feb. 22, 1929.
Hon. Barry Miller, President of the Senate,

Sir: I am directed by the House to inform the Senate that the House reconsidered the viva voce vote by which the Free Conference Committee Report on S. B. No. 238 was adopted and adopted the Free Conference Committee Report by a vote of 111 ayes and 4 nays.

The House has adopted Senate Concurrent Resolution No. 26, regulating the growing and selling of farm products grown by the Penitentiary System.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Feb. 22, 1929.
Hon. Barry Miller, President of the Senate,

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference report on S. B. No. 74 by a vote of 90 yeas and 18 nays.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Feb. 22, 1929.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 22, Commemorating the patriotic service of the Honorable H. J. Graham, of Boerne, Kendall County, Texas.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Recess.

On motion of Senator Pollard, the Senate, at 12:05 o'clock p. m., recessed until 2:00 o'clock p. m.

After Recess.

The Senate met at 2:00 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

Senate Bill No. 24.

The question recurred upon the motion to print S. B. No. 24 in the Journal.

Senator Hornsby moved the previous question. The previous question was ordered.

On motion of Senator Miller, the Senate voted to reconsider the vote by which the previous question was ordered.

The motion to print prevailed by the following vote:

Yeas—18.

Berkeley.	McFarlane.
Cousins.	Moore.
DeBerry.	Parrish.
Greer.	Patton.
Hardin.	Pollard.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Witt.
Love.	Woodward.

Nays—10.

Gainer.	Russek.
Cunningham.	Small.
Martin.	Stevenson.
Miller.	Williamson.
Parr.	Wirtz.

Absent.

Beck.

Absent—Excused.

Neal.

Woodul.

(See Appendix.)

House Bills Referred.

H. B. No. 589 referred to Committee on Mining, Irrigation, and Drainage.

H. B. No. 681 referred to Committee on State Highways and Motor Traffic.

H. B. No. 641 referred to Committee on State Highways and Motor Traffic.

H. B. No. 58 referred to Committee on State Affairs.

Messages from the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following message:

Executive Department,
Austin, Texas, Feb. 22, 1929.
To the Honorable Senate of the State of Texas, Senate Chamber, Capitol.

Gentlemen:

I have appointed the following named persons to the offices listed opposite their names, and herewith submit the appointments for your confirmation.

Hon. Roy I. Biggs of Reeves county, district attorney of the 109th Judicial District.

Hon. Reese Ewing of Roberts county, district judge of the 31st judicial district.

Hon. Clifford Braley of Roberts county, district attorney of the 31st judicial district.

Hon. Newton P. Willis of Hemp-hill County, district judge of the 84th judicial district.

Hon. J. A. Holmes of Hutchison county, district attorney of the 84th judicial district.

Respectfully submitted,

(Signed) DAN MOODY.

The appointments were read and referred to Committee on Governor's Nominations.

Bills Signed.

The Chair, President Pro Tem Walter Woodward, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 238.

S. B. No. 414.

Free Conference Committee Report.

Senator Hyer sent up the following Free Conference Committee Report:

Austin, Texas, Feb. 22, 1929.

Hon. Barry Miller, President of the Senate, Austin, Texas.

Hon. W. S. Barron, Speaker of the House, Austin, Texas.

Sirs: We, your Free Conference Committee, on S. B. No. 74, have had same under consideration and beg to report the following action thereon;

1st. The Senate concedes to the House its amendment changing the time from ten days to three days.

2nd. The House concedes to the Senate to eliminate the second amendment prescribing the age limit.

3rd. The House concedes to the Senate and inserts the word "licensed" preceeding the word physician in the third House amendment.

4th. Captions are amended accordingly.

HYER,
HORNSBY,
BECK,
HARDIN,
RUSSEK,

On part of the Senate
HOLDER,
CHASTAIN,
DUVALL,

On part of the House

Senate Bill No. 415.

The Chair laid before the Senate as pending business the following bill:

S. B. No. 415, A bill to be entitled "An Act providing for the centralization of the Texas Prison System increasing the duties, powers and functions of the Texas Prison Board; providing for the construction and building of adequate prison walls and houses upon the Darrington Farm in Brazoria County and providing for the removal of prisoners from the present penitentiary to the new location and for the abandonment and sale of certain property now being occupied by the Prison at Huntsville and certain prison farms; providing that power shall be vested in the State Board of Control to buy supplies, products and manufactured articles from the State Prison Sys-

tem for the use of the State and its institutions; providing for the establishment of a prison reformatory within the Texas Prison System for young and short term prisoners; making an appropriation to be used in carrying out this Act, and declaring an emergency."

The question recurred upon the motion to substitute S. B. No. 342 for this bill.

Senator Stevenson moved to reconsider the vote by which the Senate Thursday refused to order the previous question. The motion prevailed by the following vote:

Yeas—15.

Beck.	Parrish.
Cunningham.	Patton.
Hardin.	Pollard.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Witt.
Love.	Woodward.
Moore.	

Nays—10.

Berkeley.	McFarlane.
Cousins.	Miller.
DeBerry.	Parr.
Greer.	Williamson.
Martin.	Wirtz.

Absent.

Gainer.	Small.
Russek.	Westbrook.

Absent—Excused.

Neal.	Woodul.
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The previous question was ordered by the following vote:

Yeas—16.

Beck.	Moore.
Cunningham.	Parrish.
Greer.	Pollard.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Witt.
Love.	Woodward.

Nays—10.

Berkeley.	Miller.
Cousins.	Parr.
DeBerry.	Patton.
Martin.	Williamson.
McFarlane.	Wirtz.

Absent.

Gainer.	Westbrook.
Russek.	

Absent—Excused.

Neal.	Woodul.
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The motion to substitute S. B. No. 342 for S. B. No. 415 prevailed by the following vote:

Yeas—16.

Beck.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Moore.	Witt.
Parrish.	Woodward.

Nays—9.

Berkeley.	Miller.
DeBerry.	Parr.
Gainer.	Patton.
Martin.	Wirtz.
McFarlane.	

Pairs Recorded

Senator Love (present), who would vote yea with Senator Russek (absent), who would vote nay.

Senator Cunningham (present), who would vote nay, with Senator Neal (absent), who would vote yea.

Senator Cousins (present), who would vote nay with Senator Woodul (absent), who would vote yea.

Senator Holbrook sent up the following amendments to the Committee amendment to S. B. No. 342:

Amendment No. 1.

By Holbrook.

Amend C. S. S. B. No. 342 by striking out the word "earnest" in line 13, page 11 of the bill, and substituting therefor the word "earliest."

The amendment was read and adopted.

Amendment No. 2.

By Holbrook.

Amend C. S. S. B. No. 342 by striking out Section 5 of the bill.

The amendment was read and adopted.

Amendment No. 3.

By Holbrook.

Amend C. S. S. B. No. 342 by striking out the figure "6" in line

22, page 15 of the bill, and substituting therefor the figure "5".

The amendment was read and adopted.

Amendment No. 4.

By Holbrook.

Amend C. S. S. B. No. 342 by striking out the figure "7" in line 9, page 16 of the bill, and substituting therefor the figure "6".

The amendment was read and adopted.

Amendment No. 5.

By Holbrook.

Amend C. S. S. B. No. 342 by striking out the figure "8" in line 30, page 16 of the bill, and substituting therefor the figure "7."

The amendment was read and adopted.

Amendment No. 6.

By Holbrook.

Amend C. S. S. B. No. 342 by striking out the figure "9" in line 7, page 17 of the bill, and substituting therefor the figure "8."

The amendment was read and adopted.

Amendment No. 7.

By Holbrook.

Amend C. S. S. B. No. 342 by striking out the figures "10" in line 15, Section 10 of the bill, and substituting therefor the figure "9".

The amendment was read and adopted.

Amendment No. 8.

By Holbrook.

Amend C. S. S. B. No. 342 by striking out the figures "11" in line 30, Section 11 of the bill, and substituting therefor the figures "10".

The amendment was read and adopted.

Amendment No. 9.

By Holbrook.

Amend C. S. S. B. No. 342 by striking out the figures "12" in line 3, page 18 of the bill, and substituting therefor the figures "11".

The amendment was read and adopted.

Amendment No. 10.

By Holbrook.

Amend C. S. S. B. No. 342 by

striking out the figures "13" in line 11, page 18 of the bill, and substituting therefor the figures "12".

The amendment was read and adopted.

Amendment No. 11.

By Holbrook.

Amend C. S. S. B. No. 342 by striking out the figures "14" in line 29, page 18 of the bill, and substituting therefor the figures "13."

The amendment was read and adopted.

Amendment No. 12.

By Holbrook.

Amend C. S. S. B. No. 342 by striking out the figures "15" in line 7, page 19 of the bill, and substituting therefor the figures "14."

The amendment was read and adopted.

Amendment No. 13.

Amend C. S. S. B. No. 342 by striking out the figures "16" in line 16, page 19 of the bill, and substituting therefor the figures "15".

The amendment was read and adopted.

Amendment No. 14.

By Holbrook.

Amend C. S. S. B. No. 342 by striking out the figures "17" in line 28, page 19 of the bill, and substituting therefor the figures "16".

The amendment was read and adopted.

Amendment No. 15.

By Holbrook.

Amend C. S. S. B. No. 342 by striking out the words "President Pro Tempore of the Senate" wherever they occur in the bill and substituting therefor the words "Lieutenant Governor".

The amendment was read and adopted.

Senator Martin sent up the following amendment to the Committee amendment as amended:

Amend C. S. S. B. No. 342 by striking out everything below the enacting clause and insert in lieu thereof the following:

Section 1. There is hereby created a Board to consist of five mem-

bers of the House of Representatives of the State of Texas, to be appointed by the Speaker of the House; three members of the Senate, to be appointed by the President of the Senate, and three members of said Board to be appointed by the Governor, one of whom shall be the chairman of the Texas Prison Board, to be known as the Texas Prison Reorganization and Centralization Board.

Sec. 2. Said Board is hereby empowered and directed to formulate policies and plans for the reorganization and centralization of the prison system and for the more efficient control and operation of said system. In the formulation of such policies and plans and the selection of a site for the centralization of the system, said Board shall be entitled to the assistance of such members of the faculty and other employees of the A. & M. College, the University of Texas and the Texas Technological College as may be called upon and asked for assistance. The actual expenses incurred by any of the employees or faculty members of any of said institutions in assisting said Board shall be paid by the Board out of any funds appropriated hereunder. The Board may also employ the assistance of such other experts in prison control and management at such terms as it may deem desirable, the expense thereof to be paid out of the funds herein appropriated.

Sec. 3. As soon as said policies and plans for the reorganization and centralization of the prison system has been determined upon, and as soon as a site has been agreed upon for the centralization of the prison system, the said Board shall make a report of said plans and the location of such site to the Governor, and cause a copy of said report to be given to the newspapers for publication, and shall further cause a copy of said report to be mailed to each member of the Legislature.

Sec. 4. In effecting the reorganization and centralization of the prison system, if it is found desirable to sell any of the present lands or other property, or otherwise dispose of the same, or to purchase or otherwise acquire other lands or property, then said Board shall in such report describe accurately the lands to be purchased or the lands

to be sold, and shall submit plans of sale and purchase together, with an estimate of the revenue to be derived from the property sold and the cost of the property to be purchased, together with the cost of the erection of any improvements on such property, and submit an estimate of the net cost thereof to the State.

Sec. 5. Said Board is directed to consider and report on a plan of centralization and reorganization of the system on some of the lands now owned by said prison system, and in their report to state what lands they deem most desirable for the centralization and reorganization of such system, what lands in their judgment should be disposed of, what improvements should be made on the lands retained for the reorganization and centralization of the system, and the net cost thereof to the State. In the event said Board recommends centralization and reorganization of the system on a site other than the lands now owned by the system, it shall submit in its report a detailed comparison of the cost as between such site and a site on lands now owned by the system as set out in this section.

Sec. 6. It is hereby declared to be the intention of the Legislature that the Board hereby created shall, in its report herein provided for, submit plans for the construction of a modern prison system, taking into consideration the character and previous occupation of the prisoners confined in the penitentiary of Texas, their capability for performing agricultural, industrial and other pursuits, the character of the industrial and agricultural development of the State, and shall provide in such plans for necessary and desirable buildings, including hospitals, industrial plants, if any, and plants for such other lines of endeavor as may be practicable to employ prisoners confined in the penitentiary, and in connection therewith to provide for a prison reformatory for certain classes of prisoners, and for the segregation of prisoners in such classes as may be most practicable and desirable.

Sec. 7. The Board hereby created shall organize as soon after its appointment as practicable by selecting its chairman from among its members, and may employ a secretary and such other clerical assist-

ants as may be necessary. The members of said Board, other than the Chairman of the Texas Prison Board, shall be paid five dollars per day for their services while actually engaged in the work hereunder, and all of said members shall be paid their necessary travelling and other expenses incurred in the discharge of their duties hereunder, all of which sums shall be paid out of the money hereby appropriated on warrants drawn by the State Treasurer by the chairman of the Board.

Sec. 8. The sum of fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the General Funds in the State Treasury not otherwise appropriated, for the purpose of carrying out the terms of this Act.

Sec. 9. The fact that there is a demand for the reorganization and centralization of the Texas Prison System, which will entail the expenditure of huge sums of the public money, renders it necessary for the legislature to acquire accurate and reliable information of the plans which may be adopted for such centralization and reorganization, and the cost thereof, before authorizing and conferring power upon any agency to effect such reorganization and centralization, and commit the State to the expenditure of such huge sums of money, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Message From the House.

Hall of the House of Representatives,

Austin, Texas, Feb. 22, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

By Senator Moore:

S. B. No. 317, A bill to be entitled "An Act amending Articles 1595 and 1600 of the Revised Civil Statutes of 1925, as amended, providing that no county seat situated within five miles of the geographical center of any county shall be removed except by a vote of two-thirds of all the

electors in said county voting on the subject, etc., and declaring an emergency."

S. B. No. 347, A bill to be entitled "An Act amending H. B. No. 299, Chapter 37, Acts of the Regular Session of the Twenty-fifth Legislature, 1917, amending Section 5 of said Act; providing for the creation and appointment of the Board of Equalization for the Sinton Independent School District, established in San Patricio County, Texas, by said Act of the Thirty-fifth Legislature; describing the qualification for the members of said Board of Equalization; fixing its powers and duties; and providing for compensation for the members of said Board, and declaring an emergency."

By Senators Beck and Moore:

S. B. No. 481, A bill to be entitled "An Act to accept the benefits and provisions of the Act of Congress authorizing the extension of Federal aid for construction of toll bridges on the highways included in the Federal System, under certain conditions and limitations, 44 United States Statute 1398, approved March 1, 1929, etc., and declaring an emergency."

Respectfully submitted.

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Simple Resolution No. 79.

Senator Westbrook sent up the following resolution:

Whereas, the session is drawing near to a close; and,

Whereas, there are many bills on the calendar that ought to be passed; and,

Whereas, much time is being consumed in useless oratory by certain members of the Senate, which will doubtless result in the defeat of useful legislation; therefore,

Be it resolved that all speeches be limited in the future to twenty minutes, except by unanimous consent.

Westbrook, Wirtz, Holbrook, Stevenson, Martin, Russek, DeBerry, Greer, Williamson, Hyer, Small, Woodward Gainer, Parr, McFarlane, Hornsby, Parrish, Moore, Pollard, Berkeley, Miller, Witt, Love, Thomson, Cunningham.

Read and adopted.

Recess.

On motion of Senator Martin, the

Senate, at 5:25 o'clock p. m., recessed until 8 o'clock p. m.

After Recess.

The Senate met at 8 o'clock p. m., pursuant to recess, and was called to order by Lieut. Gov. Barry Miller.

Senate Bill No. 342.

The question recurred upon Senator Martin's amendment to the Committee amendment as amended.

The amendment was read.

Senator Holbrook moved the previous question. The previous question failed to be ordered by the following vote:

Yeas—13.

Beck.	Parrish.
Greer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Witt.
Love.	Woodward.
Moore.	

Nays—15.

Berkeley.	Miller.
Cousins.	Parr.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Small.
Hardin.	Williamson.
Martin.	Wirtz.
McFarlane.	

Absent.

Russek.	Woodul.
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Absent—Excused.

Neal.

Senator Holbrook moved to table the amendment. The motion prevailed by the following vote:

Yeas—17.

Beck.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Moore.	Witt.
Parrish.	Woodward.
Patton.	

Nays—8.

Berkeley.	McFarlane.
DeBerry.	Miller.
Gainer.	Parr.
Martin.	Wirtz.

(Pairs Recorded.)

Senator Love (present), who would vote yea, with Senator Russek (absent), who would vote nay.

Senator Cunningham (present), who would vote nay, with Senator Neal (absent), who would vote yea.

Senator Cousins (present), who would vote nay, with Senator Woodul (absent), who would vote yea.

Senator DeBerry sent up the following amendment:

Amend Substitute Senate Bill No. 342, Section 7, line 15, by inserting the following, "after this location has been decided upon by the above mentioned Board they shall before selling any of the lands now owned by the State Penitentiary System, and before buying any new land, await the specific instruction of the Legislature, either in Regular Session or constitutionally convened Called Session. If the means provided for calling a session in the latter part of this section shall for any reason not result in the convening of the Legislature, then said Board shall have no power to buy or sell lands without the consent and approval of the Legislature."

DE BERRY.

The amendment was read.

Senator Pollard sent up the following substitute for the amendment:

Amend S. B. No. 342, as substituted, by striking out the last paragraph of Section 7, page 16, and inserting in lieu thereof the following: "Provided, however, that the Prison Board shall not make any contract of any nature whatsoever to sell any prison real estate, or to buy any new prison property, or to enter into any other contract of any nature whatsoever to carry into effect the purpose of this bill, until said plan shall have been submitted in writing by the Secretary of the State of Texas, by registered mail, return receipt requested, to each and every member of the Legislature of Texas, and the return receipts to said members of the Senate and House of Representatives shall have been signed and returned to the Secretary of State by at least eighty per cent (80%) of the members of both the Senate and House of Representatives, and a period of forty-five days shall have transpired since the return receipts, signed by eighty per cent

(80%) of the members of the Senate and House of Representatives, shall have been received by the Secretary of State; and said plans and recommendations of said Commission shall not become effective at the expiration of said forty-five days if ten members of the Senate and forty-five members of the House of Representatives shall have protested to the Secretary of State in writing by registered mail, return receipt requested, against said plans and recommendations, with the request that the Governor of Texas call a Special Session of the Legislature to either accept or reject said plans. In the event ten members of the Senate and forty-five members of the House of Representatives shall object to said plans and recommendations within said period of seventy-five days, then and in that event said Prison Commission shall not enter into any contract to sell or purchase any lands or property to carry into effect any centralization plans of the Penitentiary System until after the Legislature of Texas shall have been called into Special Session, and shall have accepted or rejected said consolidation plan. Any contract entered into by the Prison Board contrary to this provision shall be null and void and of no force and effect."

The substitute was read.

Senator Moore moved the previous question on both the amendment and the substitute. The previous question was ordered.

The substitute was adopted by the following vote:

Yeas—15.

Beck.	Patton.
Greer.	Pollard.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Witt.
Moore.	Woodward.
Parrish.	

Nays—10.

Berkeley.	McFarlane.
Cousins.	Miller.
DeBerry.	Parr.
Gainer.	Williamson.
Martin.	Wirtz.

Absent.

Small.

Absent—Excused.

Woodul.

(Pairs Recorded.)

Senator Cunningham (present), who would vote nay, with Senator Neal (absent), who would vote yea.

Senator Love (present), who would vote aye, with Senator Russek (absent), who would vote nay.

The amendment as substituted was adopted.

Senator Miller moved that the Senate adjourn until 10 o'clock Saturday morning. The motion was lost by the following vote:

Yeas—11.

Berkeley.	Miller.
Cousins.	Parr.
Cunningham.	Patton.
Gainer.	Small.
Martin.	Wirtz.
McFarlane.	

Nays—17.

Beck.	Parrish.
DeBerry.	Pollard.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodward.
Moore.	

Absent—Excused.

Neal.	Woodul.
Russek.	

Senator Greer moved the previous question.

Senator Westbrook moved that the Senate recess until 10 o'clock Saturday morning. The motion was lost by the following vote:

Yeas—11.

Berkeley.	Parr.
Cousins.	Small.
Cunningham.	Westbrook.
Gainer.	Williamson.
McFarlane.	Wirtz.
Miller.	

Nays—16

Beck.	Martin.
DeBerry.	Moore.
Greer.	Parrish.
Hardin.	Pollard.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Witt.
Love.	Woodward.

Absent.

Patton. Russek.

Absent—Excused.

Neal. Woodul.

The previous question failed to be ordered.

Senator Wirtz sent up the following amendment:

Amend Committee substitute for S. B. No. 342 by adding at the end of Section 2, page 2, line 7, the following:

"Provided that said Board shall not have authority to locate said system, or any part thereof, in the Counties of Blanco, Caldwell, Comal, Gonzales, Guadalupe and Hays, or in either of said counties."

WIRTZ.

The amendment was read.

Senator Holbrook moved to table the amendment. The motion was lost.

The amendment was adopted.

Senator Williamson sent up the following amendment:

Amend Substitute S. B. No. 342 by adding at the end of section 2, page 2, line 7, the following:

"Provided that said Board shall not have authority to locate said system, or any part thereof, in the Counties of Bexar, Bandera, Kendall and Kerr, or in either of said counties."

WILLIAMSON.

The amendment was read.

Senator Holbrook moved to table the amendment. The motion was lost by the following vote:

Yeas—10.

Beck.	Pollard.
Greer.	Thomason.
Holbrook.	Westbrook.
Moore.	Witt.
Parrish.	Woodward.

Nays—14.

Berkeley.	McFarlane.
Cousins.	Miller.
Gainer.	Parr.
Hardin.	Small.
Hornsby.	Stevenson.
Hyer.	Williamson.
Martin.	Wirtz.

Present—Not Voting.

DeBerry.

Absent.

Patton.

Absent—Excused.

Woodul.

(Pairs Recorded.)

Senator Cunningham (present), who would vote nay, with Senator Neal (absent), who would vote yea.

Senator Love (present), who would vote yea, with Senator Russek (absent), who would vote nay.

Senator Greer moved the previous question on the pending amendment and the bill. The previous question was lost by the following vote:

Yeas—10.

Beck.	Parrish.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Witt.
Love.	Woodward.

Nays—17.

Berkeley.	Miller.
Cousins.	Moore.
Cunningham.	Parr.
DeBerry.	Pollard.
Gainer.	Small.
Hardin.	Stevenson.
Hyer.	Williamson.
Martin.	Wirtz.
McFarlane.	

Absent.

Patton.	Russek.
Absent—Excused.	
Neal.	Woodul.

The amendment by Senator Williamson was adopted by the following vote:

Yeas—14.

Berkeley.	McFarlane.
Cousins.	Miller.
Cunningham.	Parr.
Gainer.	Small.
Hornsby.	Stevenson.
Hyer.	Williamson.
Martin.	Wirtz.

Nays—12.

Beck.	Love.
Greer.	Moore.
Hardin.	Parrish.
Holbrook.	Pollard.

Thomason. Witt.
Westbrook. Woodward.

Present—Not Voting.

DeBerry.
Absent.

Patton. Russek.
Absent—Excused.

Neal. Woodul.

Senator Parr sent up the following amendment:

Amend by adding to the end of Section 11:

"Provided, however, that said Board is allowed and invited to place said system in Zapata County."

PARR.

The amendment was read.

Senator Greer moved to table the amendment. The motion prevailed by the following vote:

Yeas—18.

Beck. Parrish.
Greer. Pollard.
Hardin. Small.
Holbrook. Stevenson.
Hornsby. Thomason.
Hyer. Westbrook.
Love. Williamson.
McFarlane. Witt.
Moore. Woodward.

Nays—7.

Cousins. Miller.
Cunningham. Parr.
Gainer. Wirtz.
Martin.

Present—Not Voting.

Berkeley. DeBerry.

Absent.

Patton. Russek.

Absent—Excused.

Neal. Woodul.

Senator Miller sent up the following amendment:

Amend C. S. S. B. No. 342 by adding at the end of Section 2, page 12, line 17, the following:

"Provided that said Board shall not have authority to locate said system, or any part thereof, in the Counties of Parker, Palo Pinto, Denton, Wise, Jack and Montague."

MILLER.

The amendment was read.

Senator Holbrook moved to table the amendment. The motion prevailed by the following vote:

Yeas—14.

Beck. Parrish.
Greer. Pollard.
Holbrook. Small.
Hornsby. Thomason.
Hyer. Westbrook.
Love. Witt.
Moore. Woodward.

Nays—12.

Berkeley. McFarlane.
Cousins. Miller.
Cunningham. Parr.
Gainer. Stevenson.
Hardin. Williamson.
Martin. Wirtz.

Present—Not Voting.

DeBerry.

Absent.

Patton. Russek.

Absent—Excused.

Neal. Woodul.

Senator Small sent up the following amendment:

Amend C. S. S. B. No. 342 by striking out all of lines 24 to 30, page 11, and inserting in lieu thereof the following:

"The said Board and other officers named shall first make a thorough investigation to determine whether it is practical and economical to locate, centralize and operate the Prison System on some land owned by the State, it being the legislative desire to locate same on some part of said land if consistent with the present and future economical and practical development of the Prison System.

"In event it is conclusively shown that no land owned by the State is suitable for use in centralizing said system, then said Board and officers shall take such steps as may be necessary to obtain a suitable location for said system on other lands, but on properties reasonably contiguous. In event it is found desirable to use part of the land now owned by the State as a location for said system, the said Board is authorized to acquire such additional contiguous

land as may be necessary for a proper reorganization and centralization of said system."

The amendment was read.

Senator Love moved the previous question on the pending amendment and the adoption of the Committee Substitute bill. The previous question was ordered by the following vote:

Yeas—14.

Beck.	Moore.
Greer.	Parrish.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Witt.
Love.	Woodward.

Nays—13.

Berkeley.	Miller.
Cousins.	Parr.
Cunningham.	Pollard.
DeBerry.	Small.
Gainer.	Williamson.
Martin.	Wirtz.
McFarlane.	

Absent.

Patton.	Russek.
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Absent—Excused.

Neal.	Woodul.
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The pending amendment was adopted.

The Committee amendment as amended was adopted.

Senator Small moved to reconsider the vote by which Senator Miller's amendment was lost. The motion prevailed by the following vote:

Yeas—18.

Beck.	Martin.
Berkeley.	McFarlane.
Cousins.	Miller.
Cunningham.	Parr.
DeBerry.	Pollard.
Gainer.	Small.
Hardin.	Stevenson.
Hornsby.	Williamson.
Hyer.	Wirtz.

Nays—9.

Greer.	Thomason.
Holbrook.	Westbrook.
Love.	Witt.
Moore.	Woodward.
Parrish.	

Absent.

Patton.	Russek.
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Absent—Excused.

Neal.	Woodul.
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Senator Moore moved that the Senate recess until 10 o'clock Saturday morning.

Senator Wirtz moved as a substitute that the Senate adjourn until 10 o'clock Saturday morning.

The motion to adjourn was lost by the following vote:

Yeas—10.

Berkeley.	Martin.
Cousins.	McFarlane.
Cunningham.	Miller.
DeBerry.	Parr.
Gainer.	Wirtz.

Nays—17.

Beck.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
Moore.	Woodward.
Parrish.	

Absent.

Patton.	Russek.
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Absent—Excused.

Neal.	Woodul.
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The motion to recess prevailed by the following vote:

Yeas—14.

Beck.	Moore.
Greer.	Parrish.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Witt.
Love.	Woodward.

Nays—13.

Berkeley.	Miller.
Cousins.	Parr.
Cunningham.	Pollard.
DeBerry.	Westbrook.
Gainer.	Williamson.
Martin.	Wirtz.
McFarlane.	

Absent.

Patton.	Russek.
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Absent—Excused.

Neal.

Woodul.

Recess.

At 11:45 o'clock p. m., the Senate recessed until 10 o'clock Saturday morning.

APPENDIX.

Petitions and Memorials.

Hamlin, Texas, Feb. 20, 1929.

Hon. Barry Miller, Senate Chamber,
Austin, Texas.

Dear Mr. Miller:

We the undersigned voters of this county, desire to have Chiropractic regulated by law so that we can have the right to have the doctor of our choice when we are sick. We are not all Chiropractic patients, some of us have never had adjustings, but we believe in keeping the freedom that our forefathers fought for. We urge that you support the H. B. No. 604 which legalizes the Chiropractors and ask that you kill S. B. No. 126 and 127 which takes away the right of the people to have the doctor of their choice, and the power of the county and district attorneys to prosecute, but rather puts this in the hands of the Attorney General.

Numerously signed.

State of Texas
Railroad Commission of Texas

Austin, Texas, Feb. 21, 1929.

To the Members of the Legislature:

Because of the extensive discussion in the public press and before the House Committee with reference to H. B. No. 388, by Long et al, relating to amendment of the Oil and Gas Conservation law, members of the Railroad Commission present this statements that the members of the Legislature and the Public may understand the position of the Commission with respect to the general subject and the bill favorably reported by the House Committee.

In 1919 the Legislature enacted the Oil and Gas Conservation law placing the duty of administering and enforcing this law upon the Railroad Commission. The purpose of this law was to prevent waste of and conserve the great natural resources of crude petroleum and nat-

ural gas. The Commission has sought to perform its duties under this law and to carry out and perform the obligations imposed upon it thereunder. In the revision of the civil statutes in 1925, certain parts of the law as originally written were omitted by the codifiers and in other parts the language was somewhat changed. Among other things certain penalties under the law were omitted, having the effect of leaving the Commission without power to enforce its rules and regulations, and greatly handicapping it in enforcing the law itself and carrying out of the main purpose of the law. Other provisions of the law were indefinite and uncertain in meaning and needed clarification and a more definite statements of their meaning in order that the Commission might more surely know what its authority was, and in order that those who were directly affected by the law could the better understand its effect upon them.

Recently suits have been filed in the District Court of Travis county against the Railroad Commission, in which an effort is made to permanently enjoin the Commission in the enforcement of certain orders affecting conservation in West Texas. Among other contentions in these suits it is alleged that the present conservation law is invalid for the reason that no provision is made for notice to persons affected before an order is established by the Commission, and no provision is made for hearing before such orders are issued and no provision made for appeal from the orders of the Commission. The Railroad Commission has always issued its orders only after notice and full public hearing. The basis of the attack is that the present law is unconstitutional because it does not guarantee that hearings shall be had after notice and that appeals may be had to the Courts.

The Commission has acted always only to the extent that it believed it had full authority to act and has endeavored to guarantee to all persons the right to be heard. When in doubt we have sought and obtained the Advice of the Attorney General, the legal adviser of the Commission. Nevertheless attorneys for plaintiffs

in the suits mentioned, and other reputable attorneys in the State, have expressed it as their honest and serious belief that the law may be invalid on the grounds stated. If this position should be upheld the effect would be to invalidate the Oil and Gas Conservation law, at least to the extent of denying the right of the Commission to make any rules or regulations pertaining to the conservation of these resources and thus defeat the power thus lodged to prevent waste, and to defeat the intention of the Legislature in enacting the present conservation law, to the serious injury of the Public and the waste of untold millions of cubic feet of gas and tremendous quantities of oil.

Stated more specifically there would be no authority in the State to prevent many gas wells from flowing freely into the air, to require proper casing and plugging of wells, to prevent water from intruding into the oil and gas producing strata, or to prevent any of the numerous bad practices often indulged in in the industry, resulting in the actual physical waste and loss of oil and gas.

The Commission feels that in view of the duties and responsibilities imposed upon it by the Legislature under the law of 1919 it would be derelict in its duties to the Public if it should not call to the attention of the members of the Legislature and the Public the conditions that might result if appropriate legislation is not enacted. The Commission has been charged with the responsibility of enforcing the conservation law of carrying out the legislative intent. It feels that the Legislature and the Public should be fully acquainted with the situation in order that the law may be clarified and the omissions therein corrected if desired. The effect of the Long bill is to accomplish, in a measure, this purpose.

The Commission desires to make it plain that it has not suggested any other legislation tending to confer upon it jurisdiction over other industries or to enlarge its powers over matters heretofore placed within its jurisdiction. However, the matter of conservation of these great natural resources of oil and gas and

the preservation of these extremely valuable and limited resources, which can never be replaced, is of such public concern and so directly and vitally affects all of our people that the Commission is constrained to advise the Legislature and the Public of the facts.

Respectfully submitted,
Railroad Commission of Texas
Clarence E. Gilmore, Chairman.
C. V. Terrell, Commissioner.
Lon A. Smith, Commissioner.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, Feb. 22, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Enrolled Bills, have had S. B. No. 30 carefully examined and compared, and find the same correctly enrolled, and have this day, at 12 o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Enrolled Bills, have had F. C. C. S. S. B. No. 49 carefully examined and compared, and find the same correctly enrolled, and have this day, at 12 o'clock M. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Enrolled Bills, have had S. B. No. 51 carefully examined and compared, and find the same correctly enrolled, and have this day at 12 o'clock M. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Enrolled Bills, have had S. B. No. 75 carefully examined and compared, and find the same correctly enrolled, and have this day, at 12 o'clock M.

presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Enrolled Bills, have had S. B. No. 80 carefully examined and compared, and find the same correctly enrolled, and have this day, at 12 o'clock M. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Enrolled Bills, have had S. B. No. 114 carefully examined and compared, and find the same correctly enrolled, and have this day at 12 o'clock M. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1929.

Hon. Barry Miller, President of the Senate,

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 128 carefully examined and compared, and find the same correctly enrolled, and have this day, at 12 o'clock M. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Enrolled Bills, have had S. B. No. 159 carefully examined and compared, and have this day, at 12 o'clock M. presented the same to Governor for his approval.

WITT, Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Enrolled Bills, have had S. B. No. 266 carefully examined and compared, and find the same correctly enrolled, and have this day at 12 o'clock M.

presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Enrolled Bills, have had S. B. No. 306 carefully examined and compared, and find the same correctly enrolled, and have this day, at 12 o'clock M. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Enrolled Bills, have had S. B. No. 336 carefully examined and compared, and find the same correctly enrolled, and have this day, at 12 o'clock M. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Enrolled Bills, have had S. B. No. 483 carefully examined and compared, and find the same correctly enrolled, and have this day, at 12 o'clock M. presented the same to the Governor for his approval.

WITT, Chairman.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, Feb. 21, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Engrossed Bills, have had S. B. No. 476 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Engrossed Bills, have had S. B. No. 315 carefully examined and com-

pared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Engrossed Bills, have had S. B. No. 468 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Engrossed Bills, have had S. B. No. 511 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1929,
Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Engrossed Bills, have had S. B. No. 404 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Engrossed Bills, have had S. B. No. 454 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Engrossed Bills, have had S. B. No. 401 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Engrossed Bills, have had S. B. No. 572 carefully examined and com-

pared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Engrossed Bills, have had S. B. No. 505 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Engrossed Bills, have had S. B. No. 549 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Engrossed Bills, have had S. B. No. 394 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Engrossed Bills, have had S. B. No. 581 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Engrossed Bills, have had S. B. No. 520 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your committee on En-

grossed Bills, have had S. B. No. 573 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Engrossed Bills, have had S. B. No. 465 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Engrossed Bills, have had S. B. No. 508 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Engrossed Bills, have had S. B. No. 335, carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Engrossed Bills, have had S. B. No. 440 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Engrossed Bills, have had S. B. No. 408 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Reports.

(Majority Report.)

Committee Room,

Austin, Texas, Feb. 21, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 24, A bill to be entitled "An Act repealing Articles 727a of the Court of Criminal Procedure of the State of Texas, said Article constituting what is known as the Evidence Clause of the Search and Seizure Act passed by the Thirty-ninth Legislature of the State of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

MILLER, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, Feb. 21, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 24, A bill to be entitled "An Act repealing Articles 727a of the Court of Criminal Procedure of the State of Texas, said Article constituting what is known as the Evidence Clause of the Search and Seizure Act passed by the Thirty-ninth Legislature of the State of Texas, and declaring an emergency."

Have had the same under consideration, and beg to differ with the majority of your Committee and report it back to the Senate with the recommendation that it do pass.

Respectfully submitted,
HYER,
PARRISH,
THOMASON.

Committee Room,
Austin, Texas, Feb. 21, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 17, A bill to be entitled "An Act to amend Article 2094, Article 2095 and Article 2096 of the Revised Statutes of 1925, relating to the selection of jurors; amending Article 2094 of the Revised Statutes 1925 providing for the appointment

of Jury Commissioners to select Jurors in certain counties, etc."

Beg leave to report that we have had the same under consideration, and report it back to the Senate with the recommendation that it do not pass, but that Committee Substitute do pass, and be not printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Feb. 21, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 23, A bill to be entitled "An Act repealing Article 4a and Article 4b of the Code of Criminal Procedure of Texas, said Articles constituting what is known as the Search and Seizure Act passed by the Thirty-ninth Legislature of the State of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with Committee Amendment attached herewith.

MILLER, Chairman.

Committee Amendment.

Amend S. B. No. 23, Section 1, so that the same will read as follows:

Section 1. That Article 4-A of the Code of Criminal Procedure of the State of Texas, be and the same is hereby amended so as to read hereafter, as follows:

"Article 4-A. It shall be unlawful for any person or peace officer or State Ranger to make or aid in making any unreasonable seizure or search of the person, house, papers or possession of any person within this State."

(Majority Report.)

Committee Room,

Austin, Texas, Feb. 21, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 438, A bill to be entitled "An Act making it unlawful for any person to enter upon the land and premises of another for the purpose of making a geological survey of

said land and premises, or to any other manner, or by any other method, attempt to ascertain the presence of oil, gas or other minerals upon or under said land, without first having procured from the owner of the land a permit in writing, making such offense a misdemeanor, prescribing punishment therefor, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with Committee Substitute attached herein.

Respectfully submitted,
MILLER, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Feb. 21, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on Criminal Jurisprudence, to whom was referred,

S. B. No. 438, A bill to be entitled "An Act making it unlawful for any person to enter upon the land and premises of another for the purpose of making a geological survey of said land and premises, or to any other manner, or by any other method, attempt to ascertain the presence of oil, gas or other minerals upon or under said land, without first having procured from the owner of the land a permit in writing, making such offense a misdemeanor, prescribing punishment therefor, and declaring an emergency."

Have had the same under consideration and beg to differ with the majority of your Committee and report it back to the Senate with the recommendation that it do not pass.

Respectfully submitted.

WIRTZ,
WITT.

Committee Room,

Austin, Texas, Feb. 21, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred.

H. B. No. 267, A bill to be entitled "An Act amending Article 941a of the Penal Code of Texas by striking out the Counties of Erath and Hood, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and not be printed.

Respectfully submitted,
MILLER, Chairman.

Committee Room,

Austin, Texas, Feb. 21, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 10, A bill to be entitled "An Act to amend Article 651 of the Code of Criminal Procedure of the State of Texas of 1925 so as to provide that defendants jointly or separately indicted for an offense growing out of the transaction shall, in the discretion of the trial court, be placed on trial, either jointly or separately; providing for separate verdicts as to each defendant; and permitting all defendants jointly tried to testify to any relevant facts; and repealing Articles 650, 652, 653, and 711 of the Code of Criminal Procedure of this State as revised in 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

Respectfully submitted,
MILLER, Chairman.

Committee Room,

Austin, Texas, Feb. 22, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Criminal Jurisprudence to whom was referred

S. B. No. 12, A bill to be entitled "An Act to amend Article 710 of the Code of Criminal Procedure of the State of Texas, as revised in 1925, so as to provide that any defendant in a criminal action shall be permitted to testify in his own behalf; and provided that when there are two or more persons jointly charged or indicted and tried separately that the privilege of testifying therein shall be extended only to the party on trial; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

MILLER, Chairman.

Committee Room,

Austin, Texas, Feb. 22, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence to whom was referred

S. B. No. 11, A bill to be entitled "An Act to amend Article 417 of the Code of Criminal Procedure of the State of Texas for 1925 so as to provide that where there are one or more felony charges against one or more persons for the same act or transaction, or for two or more actions of transactions connected together or for two or more acts or transactions of the same class of crimes or offenses which may be properly joined, the whole may be joined in one indictment in separate counts, charging separate offenses, and a conviction may be secured for each offense in the same trial under the same indictment; providing for judgment and sentence for each offense; providing for the manner of returning verdicts by the jury; providing that failure to reach a verdict on any count shall not be a bar to judgment on counts on which verdict is returned; providing for numbering the counts of indictments; and providing that in the event defendant is found guilty of more than one count and an appeal if taken to the Court of Criminal Appeals, if the Court desires to affirm as to one or more counts and reverse as to one or more counts, the judgment shall so specify and mandates issued accordingly; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do not pass.

MILLER, Chairman.

Committee Room,

Austin, Texas, Feb. 22, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining and Irrigation, to whom was referred

S. B. No. 689, A bill to be entitled "An Act creating and establishing Starr County Water Control and Improvement District No. 1 in Starr County, Texas, under Section 59 of Article 16 of the Constitution of the State of Texas for the purpose of

the control, storing preservation and distribution of its waters and flood waters, the waters of its streams and rivers, for irrigation, power and all other useful purposes, the reclamation and irrigation of its arid, semi-arid and other lands needing irrigation, the reclamation and drainage of its overflowed lands and other lands needing drainage, the conservation and development of its forest, water and hydro-electric power, and the preservation and conservation of all such natural resources of the district, and with the powers, authority, rights, privileges and functions conferred in this Act and those provided and set out in Chapter 25 of the General Laws passed by the 39th Legislature at its Regular Session, and Acts amendatory thereof now in force, or which may hereafter be passed; describing and defining said district by metes and bounds, ratifying, confirming and validating the petition for the creation of said district.....etc., etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

STEVENSON, Chairman.

Committee Room,

Austin, Texas, Feb. 22, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Vehicles, to whom was referred

H. B. No. 670, A bill to be entitled "An Act creating a more efficient road system for Nueces County, Texas; providing that the County Commissioners shall be Road Commissioners of their respective precincts; providing that such Commissioners shall have charge of the road teams, tools, machinery and appliances of said County under the direction of the Commissioners' Court; providing for the laying out, establishment and construction of roads, bridges and culverts, and for the repair and maintenance thereof; providing limitations upon the issuance of warrants for road and bridge purposes and exceptions therefrom; providing that the commissioners' court shall co-operate with the State Highway Department in the establish-

ment, construction and maintenance of roads, bridges and culverts to be paid for partly by the county and partly by the State or Federal Government; authorizing the Commissioners' Court of Nueces County to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and levy a tax in payment thereof; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 22, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 58, A bill to be entitled "An Act to amend Chapter 3 of Title 67 of the 1925 Revised Civil Statutes of the State of Texas, by adding thereto Article 4056a, to provide that sand and other deposits having no commercial value, taken for the raising of the grade of the salt flats in the northern part of Corpus Christi and the lowlands lying north of the City of Corpus Christi in Nueces County, Texas, and south of the south boundary line of the town of Portland in San Patricio County, Texas, shall be exempt from the provisions of said Title 67, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 21, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 547, A bill to be entitled "An Act relating to condemnation of land for right of way for State Highways; amending Article 6704 of the Revised Civil Statutes of Texas, 1925, so as to eliminate the limitation as to width of rights of way for road purposes, also amending Sec-

tion 14 of Chapter 186, General Laws of the Regular Session of the Thirty-ninth Legislature relating to condemnation of materials and land for certain purposes, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room.

Austin, Texas, Feb. 21, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 575, A bill to be entitled "An Act granting to the Gulf and West Texas Railroad Company two years from and after August 13, 1930, in which to begin the construction of its railroad between San Angelo, Texas and San Antonio, Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 21, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 498, A bill to be entitled "An Act approving, ratifying and confirming a contract of date January first, 1929, by and between the Board of Managers of the Texas State Railroad and Texas and New Orleans Railroad Company, approved by the Governor of Texas and for the maintenance and operation of the properties of said Texas State Railroad by said Texas and New Orleans Railroad Company, providing that this Act shall be cumulative of Chapter Twenty-Six of the General Laws of the Regular Session of the Thirty-seventh Legislature, approved March 12, 1921, and that said contract shall, upon the same becoming effective, supersede the contract between the same parties which was confirmed and ratified by Chapter 3 of the General Laws of the Second Called Session of the Thirty-seventh

Legislature, approved August 25, 1921, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 22, 1929.

Hon. Barry Miller, President of the Senate:

Sir: We, your Committee on Federal Relations, to whom was referred House Concurrent Resolution No. 2, beg to say that we have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LOVE, Chairman.

Committee Room,

Austin, Texas, Feb. 21, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

S. B. No. 552, A bill to be entitled "An Act to amend Article 377 of the Revised Civil Statutes of 1925."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed, but printed in the Journal.

RUSSEK, Chairman.

By Russek. S. B. No. 552.

A BILL

To Be Entitled

An Act to amend Article 377 of the Revised Civil Statutes of 1925.

Be it enacted by the Legislature of the State of Texas:

That Article 377, of the Revised Civil Statutes of 1925, is hereby amended so as to hereafter read as follows:

Article 377. The articles of association shall state:

1. The corporate name of the proposed corporation.
2. The purpose for which the corporation is formed.
3. The name of the City or town and county in which the corporation is to be located.
4. The amount of the capital stock of the corporation, which shall be divided into shares of one hundred

dollars each, or into shares of such less amount as may be provided in the articles of association; that the same has been bona fide subscribed and actually paid up in lawful money of the United States, and is in the custody of the persons named as the first board of directors.

5. The name and place of residence of each shareholder, and the number of shares subscribed by each.

6. The number of directors, and the names of those agreed upon for the first year.

7. The number of years the corporation is to continue, which in no case shall exceed fifty.

Committee Room,
Austin, Texas, Feb. 22, 1929.
Hon. Barry Miller, President of the Senate:

Sir: We, your Committee on Banking, to whom was referred

S. B. No. 553, A bill to be entitled "An Act to amend Article 416 of the Revised Civil Statutes of 1925, as amended by Chapter 252 of the General Laws of the Regular Session of the Fortieth Legislature, regulating the class of securities for loans and investments of Savings Deposits, and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed, but printed in the Journal.

RUSSEK, Chairman.

By Russek.

S. B. No. 553.

A BILL

To Be Entitled

An Act to amend Article 416 of the Revised Civil Statutes of 1925, as Amended by Chapter 252 of the General Laws of the Regular Session of the Fortieth Legislature, Regulating the Class of Securities for Loans and Investments of Savings Deposits, and Declaring an Emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 416 of the Revised Civil Statutes of 1925, as amended by Chapter 252 of the General Laws of the Regular Session of the Fortieth Legislature, is hereby amended so as to hereafter read as follows:

Article 416. Such corporations shall invest not more than eighty-five per cent of the total amount of its savings deposits in any of the following classes of securities, and not otherwise;

1. In bonds or interest bearing notes or obligations of the United States, or of those for which the faith of the United States is pledged for the payment of principal and interest;

2. In bonds, interest bearing notes, or other obligations issued under due authority of law, in payment for permanent improvements, made, bearing a fixed rate of interest, and payable within a definite number of years, or over a series of years, of any city, county, town or school district, or other subdivision of this State, now organized or which may hereafter be organized, and which is now or may hereafter be authorized to issue bonds under the Constitution and laws of this State, which has not defaulted in the payment of any part of either principal or interest thereof within five years previous to making such investments;

3. In bonds of this State, or of any State of the Union that has not, within the last five years previous to making such investment, defaulted in the payment of any part of either principal or interest thereof;

4. In first mortgage bonds of any steam or electric railroad, or other public utility corporations, domiciled in this or any other State of the Union, the annual net earnings of which steam or electric railroad, or public utility corporation, equaled during the last five years twice the annual interest charges on the entire funded indebtedness of such steam or electric railroad or public utility corporation. Provided that not more than twenty-five per cent of said savings deposits may be invested in the securities mentioned in this Subdivision;

5. In bonds or notes secured by first mortgage, first deed of trust or other valid first lien, on improved real estate in Texas, provided the aggregate of such bonds or notes outstanding and secured by coordinate lien against said property shall not exceed fifty per cent of the value of said real estate and im-

provements thereon, exclusive of mineral leases or other mineral estate, such bonds or notes to run for a term of not longer than ten years, and to be always accompanied by a complete abstract of title to the property mortgaged, and an attorney's certificate or title insurance policy in some company incorporated under the laws of Texas certifying said bonds or notes to be the first lien on the land mortgaged; and in addition thereto, in assignable certificates issued by any city, town or village for street paving, widening or opening, the payments of which are secured by first liens fixed or executed on the abutting properties in accordance with law, and made the personal obligations of the abutting property owners.

6. In notes, drafts or bills of exchange such as are defined by the Federal Reserve Act to be eligible for discount by Federal Reserve Banks, or in collateral loans, which loans are collateralized and secured by marketable stocks or bonds to an amount equal to one hundred twenty-five per cent of the amount of the loan, such collateral loans always having a maturity of not longer than six months from the date of the purchase thereof. Provided, that not more than twenty-five per cent of such savings deposits may be invested in the class of securities mentioned in this Subdivision.

It shall be the duty of the Directors of such corporation as soon as practicable, to invest the moneys and funds of such savings accounts, by purchase or otherwise, in the securities hereinabove described. Such directors, from time to time, shall sell and invest the proceeds of such investments, and for the purpose of meeting current demands and expenses in excess of the receipts, any of the securities may be sold or pledged.

Sec. 2. The fact that under our present statutes savings banks and savings departments of banks are too restricted in the class of securities in which they are authorized to invest, or upon which they are authorized to make loans, and the fact that this law makes needed changes in the statutes of this State regulating such investments, creates an emergency and an imperative public

necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, Feb. 22, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

S. B. No. 554, A bill to be entitled "An Act to amend Article 415 of the Revised Civil Statutes of 1925."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed, but printed in the Journal.

RUSSEK, Chairman.

By Russek. S. B. No. 554.

A BILL

To Be Entitled

An Act to amend Article 415 of the Revised Civil Statutes of 1925.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 415, of the Revised Civil Statutes of 1925, is hereby amended so as to hereafter read as follows:

Article 415. Every such corporation shall have the right to limit, refuse or return any deposit at its discretion.

Committee Room,
Austin, Texas, Feb. 21, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence to whom was referred

S. B. No. 23, A bill to be entitled "An Act repealing Article 4a and Article 4b of the Code of Criminal Procedure of Texas, said Articles constituting what is known as the Search and Seizure Act passed by the Thirty-ninth Legislature of the State of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with Committee Amendment attached herewith.

MILLER, Chairman.

Committee Amendment to S. B. No. 23.

Amend S. B. No. 23, Section 1, so that the same will read as follows:

Section 1. That Article 4a of the Code of Criminal Procedure of the State of Texas, be and the same is hereby amended so as to read hereafter, as follows:

"Article 4a. It shall be unlawful for any person or peace officer or State Ranger to make or aid in making any unreasonable seizure or search of the person, house, papers or possession of any person within this State."

By Love.

S. B. No. 23.

A BILL
To Be Entitled

An Act repealing Article 4a and Article 4b of the Code of Criminal Procedure of the State of Texas, said Articles constituting what is known as the Search and Seizure Act passed by the Thirty-ninth Legislature of the State of Texas, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 4a and Article 4b of the Code of Criminal Procedure of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, said Articles constituting an Act passed by the Thirty-ninth Legislature known as the Search and Seizure Act, be and the same are hereby repealed.

Sec. 2. The fact that the articles have the effect of retarding and hindering the enforcement of the Criminal laws of this State, and of hampering and embarrassing the Peace Officers of the State in the faithful execution of the laws, creates an emergency and an imperative public necessity requiring that the Constitutional Rule requiring bills to be read on three several days be and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, Feb. 22, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 421, A bill to be entitled "An Act providing a 10 year period of limitation for the bringing of suit to recover land based upon certain defects in any instrument, where such instrument which has been or hereafter may be of record for 10 years or more, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be printed in the Journal and not otherwise.

WIRTZ, Chairman.

By Johnson of Dimmit. H. B. No. 421

A BILL
To Be Entitled

An Act providing a 10 year period of limitation for the bringing of suit to recover land based upon certain defects in any instrument, where such instrument which has been or hereafter may be of record for 10 years or more, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Any person who has the right of action for the recovery of land because of any one or more of the following defects in any instrument, where it has not been signed by the proper officer of any corporation; or where the corporate seal of the corporation has not been impressed on such instrument; or where the record does not show such corporate seal; or because the record does not show authority therefor by the Board of Directors and Stockholders (or either of them) of a corporation; or where such instrument was executed and delivered by a corporation which had been dissolved or whose charter had expired, or whose corporate franchise had been canceled, withdrawn or forfeited; or where the executor, administrator, guardian, assignee, receiver, Master in Chancery agent or trustee, or other agency making such instrument, signed or acknowledged the same individually instead of in his representative or official capacity; or where such instrument is executed by a trustee without record of Judicial or other ascertainment of the authority of such trustee or of the verity of the facts therein recit-

ed: or where the officer taking the acknowledgment of such instrument having an official seal did not affix the same to the certificate of acknowledgment; or where the notarial seal is not shown of record; or where the wording of the consideration may or might create an implied lien in favor of grantor (By this is not meant an express vendor's lien retained); shall institute his suit therefor not later than 10 years next after the date when such instrument has been or hereafter may be actually recorded in the office of the County Clerk of the county in which such real estate is situated and not afterwards; provided that such person, if not already barred by limitation or otherwise, shall in case of instruments of record for nine years or more, prior to the effective date of this Act, have the right within one year after the effective date of this Act, to bring proceedings to contest the effect of such instrument but not afterward; and providing further that nothing herein contained shall be construed to operate on any suit or action now pending or which may have been heretofore determined in any court of this State in which the validity of the making, execution or acknowledgment of any such instrument has been or may hereafter be drawn in question; and provided further, this Act is cumulative of all other laws on this subject and if any portion of this Act be declared unconstitutional the remaining portion shall not be affected thereby and shall remain in full force and effect. This Act shall not apply to forged instruments, and shall be subject to the provisions of Article 5518, Revised Civil Statutes of 1925.

Sec. 2. The fact that the establishing of a period of limitation in which suits may be brought for the recovery of lands on ground of technical defects in recorded instrument would aid and hasten the consummation of many transactions and would save many suits in court for formal purpose of clearing record creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days, be suspended and said Rule is hereby suspended, and this Act shall take ef-

fect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, Feb. 21, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence to whom was referred

S. B. No. 24, A bill to be entitled "An Act repealing Articles 727a of the Court of Criminal Procedure of the State of Texas, said Article constituting what is known as the Evidence Clause of the Search and Seizure Act passed by the Thirty-ninth Legislature of the State of Texas, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do not pass.

MILLER, Chairman.

Committee Room,
Austin, Texas, Feb. 21, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on Criminal Jurisprudence to whom was referred

S. B. No. 24, A bill to be entitled "An Act repealing Article 727a of the Court of Criminal Procedure of the State of Texas, said Article constituting what is known as the Evidence Clause of the Search and Seizure Act passed by the Thirty-ninth Legislature of the State of Texas, and declaring an emergency."

Have had the same under consideration and beg to differ with the majority of your Committee and report it back to the Senate with the recommendation that it do pass.

PARRISH,
THOMASON,
HYER.

By Love.

S. B. No. 24.

A BILL

To Be Entitled

An Act repealing 727a of the Code of Criminal Procedure of the State of Texas, said Article constituting what is known as the Evidence Clause of the Search and Seizure Act passed by the Thirty-ninth Legislature of the State of Texas, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 727a of the Code of Criminal Procedure of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, said Article known as the Evidence Clause of the Search and Seizure Act passed by the Thirty-ninth Legislature, be and the same is hereby repealed.

Sec. 2. The fact that this law, since its enactment, has made it more difficult and in many cases impossible to secure the conviction of those guilty of the violation of laws of this State, creates an emergency and an imperative public necessity requiring that the Constitutional Rule requiring bills to be read on three several days be and the same is hereby suspended and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Special Report.

The State of Texas
STATE HIGHWAY DEPARTMENT
Austin, Texas, Feb. 21, 1929.
Hon. Barry Miller,
President of the Senate,
Austin, Texas.

Dear Sir:

In compliance with Senate Resolution No. 25 introduced by Senator Woodward, passed at the First Called Session of the Fortieth Legislature, directing that the Board of Control and the Highway Commission make an estimate as to the approximate cost of a cement plant and determine, as nearly as possible, the actual cost to manufacture cement, and what the same could be furnished to the State for the purposes mentioned in the resolution, and to advise if they deemed feasible the construction of a cement plant, etc., the Highway Commission begs leave to transmit herewith the result of an investigation and report made by its Highway Engineer covering the matters embraced within the resolution referred to. This report seems to the Commission to be as thorough and exhaustive as the circumstances of the situation would permit and we transmit the same to the Senate for its consideration and for possible aid to the Legislature in the determination of the question whether the State will authorize the construction of one or more State-

owned and State-operated cement plants within the State of Texas.

While the Commission does not adopt every statement or reason advanced by the Highway Engineer, it seems to us that his investigation and report is, as before stated, full and exhaustive and fairly treats the several matters embraced within it. The Commission regards the question whether it is feasible or advisable for the State to enter upon such an enterprise to be one of policy to be determined by the Legislature and in solving that question we submit such facts and data as the Commission has been able to assemble.

Yours very truly,

CONE JOHNSON,

For the Commission.

Special Report.

The State of Texas
State Highway Department
Austin, Texas, Feb. 19, 1929.

In your reply please refer to file No. GG.

Hon. R. S. Sterling,

Hon. Cone Johnson,

Hon. W. R. Ely,

State Highway Commission.

Gentlemen:

You will recall that in May, 1927, the State Senate passed a resolution by Woodward directing that the Board of Control and the State Highway Commission secure certain data and make a report to the Senate with regard to a State-owned cement mill. A copy of this Senate Resolution is attached hereto as Exhibit 1.

You will also perhaps recall that about twelve months ago we discussed this resolution and the procedure that would be necessary to comply with it. You will remember that I suggested that to make an adequate study of this matter to the extent that a definite recommendation could be made as to just where one or more cement plants could be located would entail quite an expense and we decided at that time to make such preliminary investigations as would be necessary and if the Senate desired additional information, that an appropriation would be made to cover the additional survey required.

At that time I also discussed this matter with Mr. R. B. Walthall,

Chairman of the State Board of Control, who was to secure all possible information with regard to this subject. Mr. Walthall requested a report on the cement situation and a State-owned cement mill from A. & M. College, and a report was filed with the Board of Control made by Professor F. E. Giesecke, Director of the Texas Engineering Experiment Station of A. & M. College; Mr. G. S. Fraps, State Chemist, and Chief, Division of Chemistry, Texas Agricultural Experiment Station; J. H. Hance, Head of Department of Geology; C. C. Hedges, Vice Dean, School of Engineering, and Head of Department of Chemistry and Chemical Engineering; and J. O. Morgan, Vice Dean, School of Agriculture and Head of Department of Agronomy. This report covers the subject thoroughly and I am enclosing a copy of said report as Exhibit II.

In 1920 the Legislature of Texas passed a resolution directing that the State Highway Department make an inquiry into the cement production in this State, the probable cost of the manufacture of cement and the probable cost of establishing a well-equipped plant for the manufacture of such product. At that time Mr. T. H. Webb, now Assistant State Highway Engineer, was placed in charge of the work entailed in the carrying out of that order and a report made by Mr. Webb was filed with the Governor of Texas on January 10, 1921.

During the last several months Mr. Webb has been collecting more up-to-date information and has brought in its general features the report of 1921 up to date. A copy of Mr. Webb's estimates and his summary of conclusions is attached hereto as Exhibit III.

With the above mentioned expert opinions it would hardly be necessary to go further into this subject, after one has read those reports and drawn his own conclusions therefrom. However, I will undertake to answer definitely the questions asked by the Texas State Senate and to

give some information on the present condition of marketing and the use of cement in Texas.

Simple Resolution No. 25 by Woodward asked for the following definite information:

1. An estimate of the approximate cost of the cement plant.

From Mr. Webb's report, it will be noted that the estimate of cost for constructing and equipping one cement plant with a capacity of 2,000 barrels per day is \$1,742,132.-07. I believe it is uniformly agreed by all who studied this subject that for any economy whatsoever three cement plants would have to be constructed at various points to take advantage of the freight rates in competition with private plants. The estimate then for three cement mills equipped to furnish an output of 2,000 barrels, each, per day would be \$5,226,396.21. This estimate is fairly close to that furnished by the Board of Control for a plant of this size. We do not believe it would be economical to figure on any capacity less than 2,000 barrels per day.

2. Determination as nearly as possible the actual cost of manufacturing cement.

In Mr. Webb's report it is shown that the cost per barrel based on an annual production of 600,000 barrels per annum would be \$1.52 which price does not include State and County Tax. This figure, too, is very close to the figure furnished by the Board of Control of approximately \$1.50 to manufacture cement.

3. If it is deemed feasible to construct one or more cement plants owned by the State of Texas, and the possible location of same.

As to the policy involved in the State's entering upon this enterprise, that is for legislative determination and I express no opinion but submit some facts bearing on this inquiry.

There are now in Texas in operation during 1928 seven cement mills with their maximum rated capacity as follows:

	Capacity in Barrels
Trinity Portland Cement Co., Dallas	1,400,000
Trinity Portland Cement Co., Houston	600,000
Trinity Portland Cement Co., Fort Worth.....	600,000
Lone Star Portland Cement Co., Dallas.....	1,250,000

	Capacity in Barrels
Lone Star Portland Cement Co., Houston.....	1,400,000
San Antonio Portland Cement Co., San Antonio....	1,250,000
Southwestern Portland Cement Co., El Paso.....	1,200,000
Total.....	7,700,000
In addition to the above, the following plants are being constructed or else are being added to with the additional capacities shown:	
Trinity Portland Cement Co., Fort Worth.....	600,000
Atlas Portland Cement Co., Waco	900,000
Republic Portland Cement Co., San Antonio.....	1,250,000
Total Increases	2,750,000
Total estimated maximum capacity by the end of 1929	10,450,000

The several plants above mentioned as being in operation in Texas during 1928 shipped to Texas markets, according to statements received from them, 5,525,782 bbls. The U. S. Department of Commerce, Bureau of Mines, through its Mineral Statistics Division gives for shipments for the Texas District during 1928, 6,277,000 bbls. This perhaps includes some cement which went outside of Texas, but it would be safe to assume that the consumption in Texas during 1928 did not exceed 6,000,000 bbls. of cement. Of this amount, slightly over 1,000,000 bbls. was used on State highways of Texas.

If the program of highway construction in Texas is to be speeded up, the use of cement, if price levels remain approximately as they are now, will bring the consumption of this product by the State Highway Department to 1,500,000 barrels within two years and at the end of four years perhaps to 2,000,000 barrels per annum. It would seem, therefore, that based on supply and demand the cement mills of Texas which are now in operation and those which are now contemplated are of sufficient capacity to take care of the needs of the State including the State Highway Department, provided, of course, prices can be kept within reasonable limits by other means than the construction of a State-owned cement mill. Such methods as I have in mind will be discussed later.

With regard to the price of cement in Texas, I am attaching as Exhibit IV the printed prices of Portland cement in the various parts of the

United States, this tabulation being taken from "Rock Products" of January 19, 1929. This gives the net price at Dallas at \$1.80 per barrel and at Houston at \$1.90. A study of this table shows that the prices in Texas compare very favorably with and in fact are lower than in other parts of the United States.

As stated in Dr. Giesecke's report, the price of cement has not increased since 1914, out of proportion to other building materials. This, of course, does not necessarily imply that cement might not so increase in price as to become a burden upon the tax-payers of Texas provided some check was not put on it. No such condition exists at this time but we cannot close our eyes to the possibility of an increase in the price of cement that would be embarrassing if not properly met.

I do not believe, however, that the way to meet such an emergency would be by the construction of one or more State-owned cement mills. We cannot close our eyes to the fact that State-owned enterprises cannot, as a rule, be operated as cheaply or as efficiently as privately-owned plants. The manufacture of cement is a highly technical process and it is not certain that the State of Texas could manufacture cement in competition with private plants even with the elimination of profit. The question of economical manufacture and sale of Portland cement to the State of Texas can be met in other ways than by that which has been discussed.

(a) Cement is not such an absolute necessity for the construction of highways as might be supposed. Of course, I do not mean that the use

of cement can be eliminated, but its use could be curtailed to a considerable extent, enough, in fact, to affect the market price if it became unreasonably high. The State Highway Department keeps in touch at all times with the price of cement and we would know immediately when the prices quoted contractors on the commodity went beyond the cost of manufacture plus a reasonable profit.

(b) The highway engineers of Texas and other states are doing an extensive amount of research work with the view to decrease the quantity of cement to be used in any given unit of construction. Of course, other materials must be taken into consideration but I believe that the quantity of cement used in the construction of State highways, either in bridges or in concrete pavements, will show a decreasing amount from this time on, this being made possible by more scientific methods of construction in the selection and grading of concrete aggregates. Taken over a period of years and the large program of construction, this item would be considerable.

(c) The question of foreign cement shipped to this country from Belgium and France has somewhat of a bearing on this subject. While it is a fact that you can secure quotations on foreign cement delivered at Houston or other Texas ports at less price than quoted from local mills, I am not sure that foreign cement can, at this time, compete with the Texas manufactured product delivered to the various concrete jobs due to the cost of storing and handling with the loss attendant to each. The fact that foreign cement may be obtained should convince one that if the price of cement manufactured in Texas goes beyond the point of a reasonable profit, the State of Texas could, by providing warehouses and establishing a system of testing for foreign cement, keep the price within what has been termed the "cost of manufacture plus a reasonable profit."

Supply and demand will have an important bearing on this price and the figures given heretofore show the available capacity of the privately-owned cement mills of Texas. Of course, it might be said that the cement mills would so group them-

selves together as to prevent competition for supplying the demand, but, should this occur, it becomes a different matter with which the Legislature and Courts of Texas could deal.

As a matter of fact, the average price of concrete pavements in Texas during the years 1925 and 1926 was \$2.21 per square yard, while the average price for the years 1927 and 1928, during the term of the present administration, has been 2.05 per square yard. During the last six months of 1928 the average contract price of concrete pavement was \$1.95, this latter price being partially controlled by the fact that in September, 1928, a reduction of approximately 20c per barrel on cement was made by the cement mills of Texas.

4. Probable saving to the State in the various counties of the State.

What has been said necessarily applies to cement used by counties and the answer to this question has already been given above. I refer you to Dr. Giesecke's report with regard to publicly-owned cement mills in Los Angeles, South Dakota, and Michigan.

While it is not mentioned in the request of the Texas State Senate, the preamble to Simple Resolution No. 25 does refer to the use of prison labor to operate a cement plant. Upon investigation I find that a cement mill producing 1,000,000 barrels of cement per annum uses about 110 employees and of these a greater majority are skilled men. Consequently, it should be remembered if three cement mills of 2,000 barrels a day capacity were constructed, operated, and owned by the State of Texas, that the number of prisoners who could be used would perhaps not exceed 200 for the three mills.

It is my understanding that the Legislature has under consideration a bill providing for the construction of a State-owned cement mill. If you agree with my conclusions, I would suggest that in compliance with provisions of the Senate Resolution referred to, that these reports be furnished members of the Texas State Senate.

Yours very truly,

GIBB GILCHRIST,
State Highway Engineer.

Exhibit I.

By Woodward.

S. R. No. 25.

Whereas, the Highway Department is prosecuting an extensive road program in the State, and

Whereas, road material is in great demand and concrete roads seem to be the prevailing type now advocated, and

Whereas, for a number of years to come it seems that concrete for the purpose of building State roads will be greatly in demand, and

Whereas, many million dollars are spent annually for the purpose of purchasing concrete for road building purposes, and

Whereas, the State now has no cement manufacturing plant, and

Whereas, the State has adequate and sufficient labor in the State Penitentiary to operate a cement plant for the purpose of manufacturing cement for State use on public roads and elsewhere,

Therefore, Be it Resolved by the Texas State Senate that the Board of Control and the Highway Commission together make an estimate as to the approximate cost of a cement plant and determine as nearly as possible the actual cost to manufacture cement and just what the same can be furnished to the State for the purposes above mentioned, and further advise if they deem feasible the construction of a cement plant, a possible location for same and the probable saving to the State and the various counties of the State because of the building of said plant; and further furnish this information at the earliest date possible in order that the Senate may be advised, and if this cannot be done at this session, then that they prepare and have the same ready to submit to the Senate at the next convening of the Texas Legislature; and that a copy of this resolution be sent to the Board of Control and the Highway Commission of Texas.

(Signed) WOODWARD.

Exhibit II.

President T. O. Walton:

In response to your letter of March 12, requesting information regarding the manufacture of cement for the Board of Control, your Committee submits the attached report.

Respectfully submitted for the Committee,

Chairman.

G. S. Fraps, State Chemist, and Chief Division of Chemistry, Texas Agricultural Experiment Station.

F. E. Giesecke, Director, Engineering Experiment Station and Head of Department of Architecture.

J. H. Hance, head of Department of Geology.

C. C. Hedges, Vice-Dean, School of Engineering, and head of Department of Chemistry and Chemical Engineering.

J. O. Morgan, Vice-Dean, School of Agricultural and head of Department of Agronomy.

Report of Committee on Cement, Agricultural and Mechanical College of Texas, May, 1928.

Synopsis.

Cement is manufactured by heating a mixture of calcareous and argillaceous materials to a high temperature. It is a highly technical industry, requiring skill, experience, and expert chemical control. Deposits of suitable materials are found near the line connecting Dallas, Waco, and San Antonio and along the coast. The plants in the State are of ample capacity to supply the cement needed. A fully equipped plant of the capacity of 2,000 barrels a day would cost \$1,800,000 to \$3,000,000. It is not probable that a State plant would manufacture cement at a lower cost than private plants. On account of the cost of transportation being high in proportion to the value it would be more expensive to manufacture and ship cement from a single plant, no matter where located, than to buy from plants already existing in different parts of the State. For example, a saving of 6 cents a barrel in factory cost at Waco would be converted into a loss of 54 cents shipped to Houston, 40 cents at Dallas, and 50 cents at San Antonio, and would be more beyond these cities.

Report on Portland Cement.

Portland cement is made by heating a mixture of calcareous and argillaceous material, such as carbonate of lime, clay containing carbonate of lime, or cement rock, with clay or shale in approximately the

proportions of four parts of carbonate of lime to one part clay. The composition varies from 19 to 25 % silica, 5 to 9 % alumina, 2 to 4 % iron oxide, 60 to 65 % lime, 1 to 5 % magnesia, and 1 to 2 % sulphur trioxide. The product of any one plant should not vary to any great extent.

Raw Materials.

The carbonate of lime may come from hard limestone rock, soft limestone rock, shells, or clay high in carbonate of lime and other calcareous materials.

The clay material may come from clay deposits, shale, or other material of suitable characteristics.

Deposits of cement rock are occasionally found, in which the limestone and clay occur in the proper proportions to form good cement. Cement rock is an argillaceous limestone which contains usually between 65 and 80 % carbonate of lime. If it contains more than 75 % carbonate of lime it is necessary to add clay, shale, or slate to it in order to make a satisfactory mixture for burning. If it contains less than 75 %, it will be necessary to add limestone.

Limestones, marls and chalks which are to be used in the manufacture of Portland cement should contain less than 2½ % magnesia and preferably not more than 3 or 4 % silica, iron oxide and alumina combined. Clay, shales and slates should all have at least 2½ % and not more than four times as much silica as alumina. Exceptions to this are in the case of a high silica limestone, with which a high alumina clay may be used to advantage, since all that is necessary is that the mixture shall satisfy the requirements expressed by the formulas for the composition of Portland cement.

Fuel.

The process requires a large amount of cheap fuel, such as oil, natural gas or coal. It is estimated that a barrel of cement of 376 pounds requires either about 2,000 cubic feet of natural gas, 12 gallons of fuel oil, or 100 to 165 pounds coal.

Location of Deposits in Texas.

Deposits of shell are found near the coast and are used for cement at Houston, and proposed to be used

for this purpose at Aransas Pass, extensive deposits of limestone occur in the State, chiefly near the line connecting Dallas, Waco, San Antonio.

The following is from Bulletin 44, University of Texas: "Limestone in the Pennsylvanian, and the older Paleozoic rocks in the Central Mineral Region, North Central Region, and the Trans-Pecos Region may prove to be adapted to the production of certain classes of cement. The Goodland, Comanche Peak, and Edwards limestone of the Comanchean and the Austin chalk of the Upper Cretaceous lie nearest to the center of population. The Austin chalk is in contact with clay marls both above and below, hence all the materials essential to the manufacture of Portland cement are brought close together in the more densely populated region between Dallas, Sherman, and San Antonio. The most logical combination of adjacent formations for the manufacture of cement would be Walnut clay and Edwards or Goodland limestone, Del Rio clay and Georgetown limestone, Eagle Ford shale and Austin chalk, Taylor marls and Austin chalk.

"In the eastern part of the State, lime does not exist near the surface except in small amounts at a few places."

Extensive Tests Necessary to Locate Suitable Deposits.

Extensive tests are necessary to locate deposits of cement rock or of limestone and clay or shale necessary for cement manufacture. Analyses of four hundred or more samples would probably be required to locate deposits of suitable quality and size and explore them sufficiently. It would also be desirable to make burning tests of the material in different proportions, with tests of the resulting cement, in order to make certain that the deposits would produce cement of the desired quality.

Requirements of a Suitable Location.

Some of the requirements for a suitable location are: access to abundant and suitable supplies of calcareous and argillaceous material; cheap fuel oil, or natural gas; location as near as possible to the place of consumption; facilities for distri-

bution over railroads or otherwise.

Supplies of Calcareous and Argillaceous Material.—A cement plant is most economically located on its own land from which the limestone and clay material can be hauled directly to the mill. Machinery can then be installed to handle large quantities of material at a low cost. The next best location would be where the materials could be brought by water transportation. Any mill requiring rail transportation of its raw materials would be at a decided disadvantage when compared with mills more favorably located.

The acreage of limestone and shale required would depend on the size of the plant, the thickness and the composition of the deposit. If the deposits are 5 feet thick, 92 acres of shale and 290 acres of limestone would be required to last a 2,500-barrel plant 25 years. If the deposit is 10 feet thick, 55 acres of shale, and 174 acres of limestone would be required for 30 years.

Cheap Fuel Oil or Natural Gas.—Cement plants use very large amounts of fuel, and must be large where fuel can be delivered cheaply to the plant. It should therefore be located near a pipe line or natural gas line, from which fuel can be secured at as low a cost as by its competitors.

Location Near Place of Consumption.—Cement is a heavy material in proportion to its price; transportation costs add considerably to the final cost at place of consumption. Hence it is desirable for the cement plant to be located as near as possible to the center of consumption of the locality it is intended to serve. Any competing plant located nearer to the center of consumption, other factors being equal, will have an economic advantage, since it would be necessary for the plant less favorably located to absorb the extra cost of transportation.

Possible Locations.—The above considerations would indicate Dallas, Fort Worth, Waco, Houston, or San Antonio to be possible locations. No one of these locations, however, would enable a single plant to sell cement over the State cheaper than a series of plants located in different parts of the State, on account of the relatively high cost of transportation. A plant at any of these locations would be at a disadvantage in

delivering cement in the territory represented by the others, as it would have to absorb more transportation charges than the other plants in order to deliver cement at the same price.

Outline of the Process of Manufacture.

Preparation of Raw Materials.—Limestone rock is blasted out in enormous amounts, sometimes 100,000 tons at a blast. The lumps which are too large are blasted into smaller pieces. It is then taken up by steam shovels and put through a giant stone breaker, some of which are large enough to break pieces of stone as large as hogsheads. It then goes through secondary rock crushers, then to the storage warehouse. Softer materials are handled with appropriate machinery. The limestone and clay material may be unloaded into bins in the proportions needed to make cement, in which case separate bins of limestone and clay are also provided to use in adjusting the mixture. It requires about 600 pounds raw materials to make a barrel of 376 pounds of cement, and this does not include the fuel.

Preparation of Cement Mix.—Materials in the proper proportions are ground first in a hammer mill, next in a ball mill. The grinding may be dry or wet. In dry grinding the powder must be dried, as low as 3% moisture may cause it to lump. In wet grinding, water is added to give the proper consistency. Wet grinding requires about one-half to two-thirds as much power as dry grinding. The material must be finely ground, or the cement may be of poor quality. About 90% of the powder must pass through a 200-mesh sieve.

Proportioning the Mix.—The ingredients must be thoroughly mixed in the proper proportions. The slurry is run into vats holding raw material equivalent to about 1,000 barrels of cement and stirred thoroughly for several hours. Samples are taken for chemical analysis, and the necessary additions of other slurry made to give the desired composition. A wet mixture is made more easily uniform than a dry mixture.

Burning the Cement.—The cement is burned in horizontal cylindrical

kilns lined with fire brick about 8 to 12 feet in diameter and 125 to 342 feet long, with a final temperature of approximately 2800 degrees Fahrenheit, which is higher than that required to melt steel. The slurry is forced into the far end, where the water rapidly goes off, and the material is carried forward by the rotation of the kiln. The raw material gradually comes in contact with a jet of flame which may be 30 to 40 feet long. The limestone is first converted to calcium oxide, then unites with the silica, alumina, and iron to form cement clinker. The heating is carried to incipient fusion. It takes about three hours for the material to pass through the kiln. If the materials are not finely ground and well mixed, the contact between the particles is not close enough to bring about the necessary chemical changes.

The clinker is harder than the original rock. It is first cooled by a spray of water and then by a current of air in a rotary cooler.

Grinding and Packing.—The clinker may be kept for a long time without injury. In fact, poorly made cement may be improved by storing, as the free lime, which is injurious, combines with the carbon dioxide of the air to form calcium carbonate, which is not injurious.

The clinker is passed through two sets of grinding mills, which pulverize it so that at least 78% passes through a 200-mesh sieve. Before the final grinding about 3% gypsum is added to control the rate of setting or hardening. This cement is then stored until needed. It is packed in bags, using automatic scales. The top of the bag is tied before packing, and the cement put in through a valve in the bottom.

Chemical Control Necessary.

Chemical control is exercised over the process from the selection and mapping of the deposits of raw material until the cement is completed. The mixture of raw materials is proportioned on the basis of analyses and burning tests. The slurry is sampled about every two hours and such adjustments made as are needed. The cement clinker is inspected hourly to see that it is burned properly. The finished cement is sampled and tests are made of the run of each day. The chemist in some plants has power to shut down any machine or the entire plant, until any trouble that appears can be corrected.

The proportions of a good cement should satisfy the following ratios:

Per cent lime	1.9 to 2.1
Per cent silica—per cent iron oxide—per cent alumina	
Per cent silica	2.5 to 4
Per cent alumina	

In the manufacture of Portland cement great care is taken to see that the composition satisfies the above. If too much lime is present the cement will be "unsound"—that is, in time concrete made from it will expand and crack. If too little lime is present, the concrete will be low in strength and may "set" quickly—that is, harden before there is time to place it in the forms. Cement in which alumina is high is also apt to be quick setting, and is hard to burn uniformly. High silica cements are usually very slow in hardening, and do not attain their full strength for a considerable period. Cements should not contain more than 4% magnesia, or 1.75% sulphur trioxide. The latter is usually introduced in the form of gypsum, and is added to

regulate the setting time of the cement. The allowable variation in the composition of the finished product is small. Where the control is poor, the lime in the slurry may be too high at one time and too low at another. The average strength of the cement will then be low and there will be considerable variation from day to day.

Continuous Operation Necessary.

Cement plants usually run continuously, 24 hours a day, seven days a week. This is necessary for economical operation, especially with the kilns. If the kilns are cooled off, it required much time and fuel to heat them again to the operating temperature. Cement plants usually install two or more kilns, and oper-

ate continuously the number of kilns justified by the orders on hand.

Cement plants in the North frequently shut down in the winter, when they can be overhauled and repaired, but some of those in the South run all the year. This necessitates sufficient capacity in the grinding machinery and storage plant to supply enough raw material

to the kilns, whenever some grinding machine or part of the preparatory plant has to be closed for repairs.

Uses.

The following is an estimation of the uses of cement in the United States:

Paving and highways.....	27.5 %
Public and commercial buildings.....	26.0
Houses (exclusive of rural).....	8.5
Sidewalks and private driveways (exclusive of rural)	5.5
Small town and farm uses	18.0
Sewerage, drainage, irrigation, culverts, concrete pipe	4.5
Railways	5.5
Bridges, river and harbor work, dams and water power projects, storage tanks and reservoirs	3.0
Miscellaneous uses	1.5
Total	100.0

The following table gives the total production in Texas and the amount estimated to be used on concrete roads.

	Total consumption Barrels	Concrete Roads Barrels	Percentage on Roads
1925	4,188,910	290,000	7
1926	4,877,987	411,000	8
1927	5,424,137	1,050,000	19

The amount used on concrete roads in 1927 could be made by a single plant.

Cost of a Plant.

The construction cost of a cement plant producing 2,000 barrels a day was estimated by the State Highway Commission in their report of January 10, 1921, at \$1,737,447.39. The operating cost based on a production of 600,000 barrels is estimated at \$1,304,048.30. The total is something over \$3,000,000. As prices have changed since 1920, these costs would probably be a little lower.

The cost of building a cement plant, according to Meade, will depend on many variables, chief of which are the cost of construction in the locality in which the mill is built, the kind of equipment selected, type of the buildings employed, the amount of storage provided for raw materials and cement, whether power is made or purchased, etc. Meade estimates the mill itself will cost in 1926, exclusive of power plant, about \$1.75 to \$2.00 per barrel of annual output (daily capacity multiplied by 300). A power plant equipped with waste heat boilers and turbo-generators will add from 50 to 75 cents per barrel. Most cement plants,

however, taking into consideration the value of their raw material deposits, quarry equipment, railroad sidings, locomotives, and locomotive cranes, stocks of cement, fuel, and supplies on hand, as well as the mill proper, will appraise from \$3.00 to \$5.00 per barrel of annual cement output. According to these estimates, a plant to produce 2,000 barrels a day, or 600,000 barrels a year, would cost \$1,800,000 to \$3,000,000.

Labor Required.

Cement manufacture is a highly technical business and requires experienced men. Lack of experience carelessness or insufficient experience may cause expensive mistakes, which may easily run up fuel costs, repair costs, or result in a product which does not meet the standard requirements.

The cost of labor, according to Meade, varies greatly in different sections of the country. In general, it may be said that a 2,500 to 3,000 barrel mill will require one employee at the mill (quarry not included) for every 15 to 25 barrels of cement produced per day, or from 1½ to 2½ barrels per man hour.

There will be needed skilled workers including quarry foreman, drillers, millers, burners, engineers, firemen, packers, mill foremen, machinists on repair work, blacksmiths, etc. The millers, burners, packers, mill foremen, and some of the machinists must be experienced in cement mill work and consequently a new mill, located in a new section, must import these men from one of the established centers of the industry, and, in order to induce these men to

leave their homes, must pay them much higher wages than the older mills do. In the East, the usual cost for all mill labor is between 12 and 20 cents per barrels of cement.

Present Cost of Manufacture

According to Meads, in 1926 the cost of manufacturing cement varies considerably. At a plant located in the central or eastern part of the United States it will range somewhat as follows:

Cost of raw materials.....	10 to 15 cents
Mill labor—	
Repair	5 to 8 cents
Operating	12 to 25 cents
Supplies—	
Fuel	30 to 45 cents
Gypsum	3 to 4 cents
Lubricants	1 to 2 cents
Repair parts	6 to 10 cents
Miscellaneous	2 to 4 cents
Power (when purchased)	16 to 24 cents
Mill administration	3 to 5 cents
Cost f. o. b. bins	\$0.88 to \$1.52
Packing, loading and sack expense .....	.06 to .08
Total	\$0.94 to \$1.60

The above is the manufacturing cost. To it must be added administrative salaries, expenses of the general office and sales force, depreciation, and defection, insurance, taxes, and interest charges, reserves, losses, etc. These items will greatly increase the above figures.

The administrative expenses, according to Meade, vary greatly with the size of the mill and the calibre of the men employed. With a small mill employing a first class manager and a chemist and good assistants, they may be as high as 15 cents a barrel.

Taxes and insurance usually amount to 1 to 2 cents a barrel. Depreciation of mill buildings and machinery is usually figured at 5 per cent of their cost erected, and the interest on bonds, etc., can, of course, be calculated with certainty. To calculate the cost of the raw materials used, it is necessary to know the amount of these available.

The cost of manufacturing Portland cement may therefore, be said to depend on (1) the location of the mill, (2) cost of crude, (3) the cost of labor, fuel, power and gyp-

sum, (4) the efficiency of the machinery installed, (5) the extent, suitability and softness of the raw materials or cost of preparation and (6) the management of the mill, the purchasing of its supplies, (7) depreciation, interest on bonds, taxes, etc. To this is added the sales cost, when it goes on the market.

Market Price of Cement.

The average factory value for the United States in bulk of Portland cement in 1925 was \$1.85 per barrel. The wholesale price in bulk in carload lots at Dallas in 1925 was \$2.05 a barrel of 376 pounds. These figures are from Bureau of Mines, Department of Commerce, Mineral Resources of the United States, part II. The report also states that the differences between the average factory values and the market price of cement do not seem to be excessive in view of all the elements that enter into these differences, the differences in various parts of the United States varying from 21 cents to \$1.16 a barrel in 1925. The publication also gives the following com-

parative percentage increases in price of building materials over 1914:

Cement	68.4
Building materials, gen.	77.0
Lime, average 15 plants	122.1
Brick, average 82 yards	104.7
Yellow pine flooring at mills	116.3

This shows that cement has not increased in price as much as some of the other building materials.

Profits of Cement Mills

The cost per barrel of cement and the price received is quoted from court records in a bulletin of the Wisconsin Geological and Natural History Survey entitled Limestone and Marls of Wisconsin, for an average of 19 Lehigh Valley Mills.

	1918	1919	1920
Cost per barrel	\$1.39	\$1.45	\$1.78
Price received per barrel	1.54	1.65	1.93
Margin per barrel, cents	0.14	0.20	0.15

Other items reducing profit are not included in the cost. The average profit of the companies figured from net income less taxes on invested capital was 7.4% in 1919 and 5.0% in 1920.

Private Plants of Ample Capacity to Supply the Needs of the State

The clinker capacity of the mills in Texas in 1927 is estimated at 6,800,000 barrels, and the production at 5,692,000 barrels, or about 80 per cent of the clinker capacity.

The clinker capacity for 1928 has been increased by the installation of a new kiln at the San Antonio Portland Cement Company, and by the new mill of the Trinity Portland Cement Company at Houston. A new mill is also projected for Aransas Pass.

In addition, some cement is imported from other states and from foreign countries. The private plants are of ample capacity to care for the needs of the State. The following is a list of the plants in Texas.

1. Texas Portland Cement Co.—Dallas.
 2. Texas Portland Cement Co.—Houston.
 3. Trinity Portland Cement Co.—Dallas.
 4. Trinity Portland Cement Co.—Ft. Worth.
 5. Trinity Portland Cement Co.—Houston.
 6. San Antonio Portland Cement Co.—San Antonio.
 7. Southwestern Portland Cement Co.—El Paso.
- Monolith—Aransas Pass (Projected).

Public Owned Cement Plants

The city of Los Angeles constructed a cement plant at Monolith for the purpose of manufacturing cement for the aqueduct. Approximately 900,000 barrels of cement were made at a factory cost of \$1.45 a barrel. The plant cost about \$890,000 and sold for about \$450,000 after 15 years, or a depreciation of 50 cents a barrel. If the interest on the investment is also added to the factory cost and the depreciation cost of the cement, the total cost would be over \$2.00 a barrel, and as the city was offered cement at Majorie, 15 miles from Monolith, at \$1.65½ a barrel, no doubt the city lost money on the project.

South Dakota has a cement plant at Rapid City, and sells cement in four other states. Operating profits for 1927 are given at \$39,791.37, but interest on the outstanding bonds are given at \$102,700, leaving a loss of \$62,998.53, which is \$995.47 less than the loss in 1926. (Sioux City, Iowa, Tribune, quoted by Rock Products, March 1, 1928.)

The State of Michigan leased a cement plant and purchased it in 1926. It was reported that the plant was impossible from a money-making standpoint, but could be used to employ idle convicts, or for protection against excessive cement prices, and if these uses were sufficiently important, the purchase of the plant could be justified, though there was no money in operating it. In a report to the legislature in 1927, the plant was declared to be wasteful of State money, with costs excessive as compared to those of

private plants; destructive to the concrete highway system of the state because of the low quality of cement produced, and something the state was not justified in purchasing, as it did not get value in exchange (Detroit Free Press, Feb. 10, 1927). According to Rock Products (Oct. 15, 1928), this plant was reported to have a deficit of \$800,000. It is stated on good authority that the cost of manufacture was \$1.79 a barrel of cement and the average sale price the last year operated was \$1.81, while a good plant in Michigan could make cement for \$1.35 a barrel or less.

Possible Saving by a State Plant

In the report of the State Highway Commission to Governor Hobby on Jan. 10, 1921, the operating cost of a 2,000 barrel daily capacity state-owned plant is estimated to be approximately 6 cents a barrel less than the cost of operating a 2,400 barrel privately owned plant. The report states that this is due in part to the state-owned plant being exempt from taxes and in part to less administration and office expense, based on the assumption that there would be less sales expense. The estimate is also based upon the same efficiency in operation in the state plant as in the privately owned plant and the report states that this would be doubtful. It is also based upon the use of convict labor operating the plant in two shifts of ten hours each. However, a cement plant must run 24 hours a day, and this would either require three shifts of 8 hours a day or a change in the state laws concerning labor.

A cement plant could hardly be profitably conducted to supply cement only for roads and public buildings, on account of the variation both in the location of roads or buildings on which the cement is to be used, and in the quantity required. The freight rates would offset any possible saving no matter where the plant might be located. A cement plant cannot be run economically unless the operation is almost continuously operated to nearly full capacity. The continuous operation of the plant would necessitate the employment of a sales force, which would eliminate that part of

the 6 cents a barrel mentioned above, due to less sales expenses, and would also involve State competition with private industry. Taking all factors into consideration, it is believed that the cost of cement delivered to the job from a state-owned plant would be greater than when purchased from privately-owned plants located near the work to be performed.

A Single Plant Could Economically Serve Only a Small Part of the State.

On account of high transportation costs, no single plant could economically serve all parts of the state. Suppose a cement plant located at Waco, probably the most favorable situation in the state at the present time, could make the saving of 6 cents a barrel estimated by the State Highway Engineer in 1920. This saving is based upon the same efficiency in operation of a State plant as a private plant, which is doubtful, and less sales expense, which is also doubtful. This difference is equal to a little less than 1½ cents a hundred, and would be a saving only as long as the cost of transportation from Waco was 1½ cents more than the cost of transportation from another plant from which cement could be secured at the slightly higher price. There are cement mills in Houston, Fort Worth, Dallas, and San Antonio. The plant at Waco could ship cement at a saving to points approximately a little more than one-half the distance from Waco to Houston, Fort Worth, Dallas, and San Antonio. Beyond these points, there would be a loss instead of a saving, which would be approximately 54 cents a barrel to Houston, 40 cents to Dallas, or 50 cents to San Antonio. Beyond these points, the loss would be still greater in accordance with the distance.

The same conclusion would be reached if the difference in cost of manufacturing cement was assumed to be 20 cents a barrel or 40 cents a barrel. The area served by the mill would be larger, but there would be loss on all cement shipped to Dallas, San Antonio, or Houston, or beyond, and even to points nearer than San Antonio or Houston.

The same conclusion would apply to a plant erected in any part of the

State. This situation could be met, of course, by constructing plants at Houston, San Antonio, Dallas and El Paso. If they could make and deliver cement for a lower price than the plants already existing they could make money, but the plants already existing at these places would be wrecked.

Additional Information

Portland cement, by R. K. Meade, a book of 702 pages, discusses the subject in detail. A copy can be loaned to the Board of Control by us, if desired.

Summary and Conclusions

Portland cement is made by heating carbonate of lime or clays containing carbonate of lime, with clay at a high temperature.

The manufacture of Portland cement is a highly technical process requiring exact chemical control and careful supervision by skilled men who have had experience in the industry.

Suitable material for the manufacture of cement can be found along the line joining Dallas, Waco, and San Antonio and also near the coast.

A suitable location for a plant requires abundant and cheap supplies of calcareous and argillaceous material, cheap oil or natural gas, a location as near as possible to the place of consumption, and facilities of distribution over railroads.

An outline of the process of manufacture is given.

Cement plants run continuously 24 hours a day, 7 days a week, on account of the high cost of heating the kilns when they are allowed to cool.

About 1,000,000 barrels of cement were used on concrete highways in Texas in 1927 which was about 20 per cent of the total State product. This amount can be made by a single plant.

A plant to produce 2,000 barrels cement a day would cost approximately from \$1,800,000 to \$3,000,000.

The cost of manufacturing cement varies in different plants according to local conditions and the efficiency of the management. Estimated costs are given.

The price of cement has not increased since 1914 as much as that of some of the other building materials.

The estimated difference in the cost and the price received was 14 to 20 cents per barrel in 1918 to 1920 for 19 Lehigh Valley mills, but this amount does not include other items reducing profits.

There are seven Portland cement mills in Texas and one planned for Aransas Pass. Their capacity is more than sufficient to supply the needs of the State.

Publicly operated cement plants in Michigan, South Dakota, and California have shown a loss rather than a profit.

The State Highway Engineer in 1920 estimated the operating cost of cement in a state-owned plant would be approximately 6 cents a barrel less than in a privately owned plant, the difference being due to exemption from taxes and less sales expense.

It is not probable that state-operated plant could manufacture cement at less cost than a private plant.

A State cement plant would require labor in three shifts of 8 hours, which would increase the expense of operation, unless a change is made in the labor laws.

No one plant can economically serve all parts of the State on account of the high cost of transportation. Three or more plants would be necessary.

Any saving in factory cost by a plant located in any part of the State could be effective only in a comparatively small territory surrounding the mill. Any possible saving would be wiped out by transportation costs outside of this territory.

For example, a saving of 6 cents a barrel in factory cost at Waco would be eliminated at a little more than one-half the distance from Waco to Houston or to San Antonio or Dallas or to Fort Worth.

A saving of 6 cents in factory cost at Waco would be converted into a loss of 54 cents a barrel at Houston, 40 cents at Dallas, and 50 cents at San Antonio, and would be more beyond these cities. This would apply to a plant located in any other part of the State.

Exhibit III.

Mr. Gilchrist, State Highway Engineer, Office.

Dear Sir: Attached hereto find "Detailed Estimate Cost of Constructing, Equipping and Operating a 2,000 Barrel Daily Capacity Cement Mill."

The cost of constructing and equipping this cement mill is based on information secured by the undersigned during investigation and report of a similar nature to Governor Wm. Hobby, January 10, 1921 and revised to meet present day conditions.

You will note that the estimated cost of constructing and equipping a 2,000 barrel mill is \$1,742,132.07. This estimate, it is believed, is conservative in that it is within the limits of the approximate cost data furnished the Board of Control, which varies from \$1,400,000.00 to approximately \$2,000,000.00. It is my understanding that in figuring the cost of a cement mill, it is usually the practice to estimate the cost at \$3.50 per barrel based on the yearly production. The yearly production of a 2,000 barrel plant based on operating 300 days per year would be 600,000 barrels, which at \$3.50 per barrel would amount to \$2,100,000.00. It is, therefore, considered that the cost as shown in attached report, upon which the cost of production is based, is not too high or out of line.

You will note that the estimated operating cost of a 2,000 barrel mill producing 600,000 barrels annually is \$912,282.86, which gives a cost per barrel of cement at \$1.5205, which cost does not include State and county taxes which would apply to a privately owned plant, but not to a State owned plant.

The cost of production is based on using 1/3 barrel of fuel oil for burning one barrel of cement. It is probable that should the State decide to construct a cement plant that gas would be used for fuel instead of oil. This would make practically no difference in the cost of production since it requires approximately 2,200 cubic feet of gas to burn 1 barrel of cement. With gas at 20c per thousand feet, the cost per barrel for fuel would be 44c instead of ap-

proximately 42c on the basis of \$1.25 per barrel for oil.

You will note that in figuring the administrative cost of a State owned cement plant, very little or no provision has been made to cover the sales cost, which would be a considerable item in the cost of manufacturing by a privately owned plant.

As to whether or not the price charged by the cement companies in Texas for cement is excessive, I wish to direct your attention to these facts:

Recently the Board of Control was quoted a price of \$2.56 per barrel car load lot delivered at Terrell. This price included the following items:

Freight	\$.35
Rebate for return of 4 sacks ..	.40
Local Dealers' Commission .....	.10
Discount cash in 15 days .....	.10
Total	\$.95

This deducted from the price quoted, \$2.56, would leave \$1.61 as net to the producer, or 9c per barrel net profit to the companies after paying interest on investment.

The manufacture of cement is a highly technical operation, requiring hourly checks on the mixing of materials, burning of the clinker and grinding, and even with the best trained men available, which are in the employ of the privately owned cement plant, these plants are not always able to produce a uniform product.

This report has been based on using free labor instead of convict labor for the reason that on account of the highly technical nature of producing cement that satisfactory results cannot be secured by use of convicts.

To supply the requirements of the State Highway Department on a road program based on the last 6 or 9 months operation of 1928, it would require not less than three 2,000 barrels capacity plants located at advantageous points in Texas so as to compete with the privately owned plants on freight rate basis. Even with three plants the State would be at a slight disadvantage as regards freight rates compared with the privately owned plant. It is believed that the average haul for the

State from three State owned cement plants would be approximately 75 miles, which would give an average freight rate of 45c per barrel.

The average freight rate based on

average haul of 75 miles would be 45c per barrel instead of the 35c per barrel on cement delivered at Terrell.

T. H. WEBB.

DETAILED ESTIMATED COST OF CONSTRUCTING, EQUIPPING AND OPERATING A 2,000 BARREL DAILY CAPACITY CEMENT MILL.

Buildings.

Main Building	84'x760'-63,840 Sq. Ft. @ \$2.60 per S. G.—	\$165,984.00
Mch. Shop	50'x130'- 6,500 Sq. Ft. @ 2.35 per S. G....	15,275.00
Sack House	40'x 80'- 3,200 Sq. Ft. @ 2.50 per S. G.—	8,000.00
Pow. & St'room	50'x140'- 7,000 Sq. Ft. @ 2.50 per S. G....	17,500.00
Pump House	20'x 20'- 400 Sq. Ft. @ 2.50 per S. G....	1,000.00
Leading Shed	30'x 60'- 1,800 Sq. Ft. @ 1.00 per S. G....	1,800.00
Office Bldg.	32'x 42'- 1,408 Sq. Ft. @ 3.50 per S. G....	5,000.00
50 Tenant Houses	\$1,500.00 each	75,000.00
Miscellaneous small buildings		3,000.00
Concrete Rock Storage Bin.	50'x100'x20'-5,000 Sq. Ft.	10,000.00
Packing Room	20'x50'x60'-1,000 Sq. Ft. @ \$10,000.00.....	10,000.00
6 32' Dia. 60' high concrete Storage tanks, reinforced-	1,424 cubic yards concrete @ \$50.00 per cubic yard	71,200.00
Laboratory and Office Fixtures		5,000.00
Total		\$388,759.00

Office Building and Tenant Houses are frame with metal roof.

Packing Room is concrete with composition roof.

All other buildings steel frame, corrugated iron sides, metal roofs and concrete floors.

Quarry Equipment.

1 Model 61 Marion Shovel 2 1-2 yds. dipper f. o. b. Waco	\$27,550.00
1 No. 29 Osgood Traction Shovel 1 yd dipper f. o. b. Waco	15,000.00
3 15-ton Saddle Back Davenport Locomotives f. o. b. Waco	23,500.00
25 3-yd. Continental Quarry cars f. o. b. Waco	9,750.00
1 Sanderson-Cyclone Well Drilling Outfit (12 H.-P. Gas Engine-4" drill stem)	3,000.00
1 Water Pump and 7 1-2 H.-P. Motor in place f. o. b. Waco	600.00
3,000 lin. ft. 36" Gauge No. 35 rail track with necessary switches and car dumping device f. o. b. Waco	8,000.00
2,000 lin. ft. 2" Water pipe @ 24c per L. F., f. o. b. Waco	480.00
Laying 2,000' 2" pipe @ 30c	600.00
Setting up 1 model 61 shovel at quarry	200.00
Setting up 29 Osgood shovel at quarry	100.00
Setting up 3 15-ton locomotives	150.00
Sledges, shovels and small tools	50.00
Total	\$88,980.00

Raw Grinding Mill Machinery.

1 No. 10 McCully Gyratory Crusher, in place	\$ 10,000.00
2 No. 6 Jumbo Williams Mills, in place	14,000.00
1 No. 85 F. L. Smidth Wet Kominuter, in place	17,000.00
3 No. 20 F. L. Smidth Tube Mills	48,000.00
2 9"x10 5-8" F. L. Smidth Duplex Slurry Pumps, in place	10,400.00
6 14 1-2'x20' Steel Slurry storage tanks, in place	10,000.00
1 200 H.-P. Motor for Gyratory Crusher	3,050.00
2 150 H.-P. Motor for Williams Mills @ \$1,200, in place	2,040.00
3 350 H.-P. Motor for Tube Mills @ \$6,150.00, in place	18,450.00
1 125 H.-P. Motor for Konimuter	2,400.00
2 7 1-2 H.-P. Motor for Slurry pump @ \$315.00, in place	630.00

10,000 lb. 5" Dia. Balls for Konimuter@9c per lb.	900.00
150,000 lbs. Cylpebs for tube mills@14c per lb.	21,000.00
1 Trix Screen with Konimuter in place	3,700.00
Total	\$161,930.00

Kiln Machinery.

4 8'x125' Vulcan Rotary Kilns erected@\$37,500.00	\$150,000.00
2 6"x60" Vucan Rotary Coolers, erected@\$3,000.00	6,000.00
1 18"x16" Ingersol-Rand Duplex Air Compressor, in place	7,260.00
1 20"x12" Ingersol-Rand Duplex Air Compressor, in place	2,940.00
2 4"x6" Triplex Deming Pumps (Oil System)	1,350.00
1 5,000 bbl. steel oil storage tank, in place	6,000.00
4 25 H.-P. Motors for Kilns@\$550.00 each, in place	2,200.00
2 50 H.-P. Motors for Coolers@\$1,350.00 each, in place	2,700.00
1 150 H.-P. Motor for Duplex Air Compressor, in place	2,450.00
1 100 H.-P. Motor for Straight line Compressor, in place	2,000.00
2 7 1-2 H.-P. Motors for Oil Pumps@\$315.00 each, in place	630.00
Total	\$183,530.00

Finishing Mill Machinery.

20 30" Jr. Giant Griffin Mills, in place@\$3500.00 each	\$ 70,000.00
4 No. 20 F. L. Smidth Dry Tube Mills@\$16,000.00 each	64,000.00
4 200 H.-P. Motors for Griffin Mills, in place	12,400.00
4 350 H.-P. Motors for Griffin Tube, in place	24,600.00
252,000 lbs. Cylpebs, in place@14c per lb.	35,200.00
Total	\$206,200.00

Power Plant.

3 sets 75 K. W Transformers (Step up 4100 and	
Step down 6600	6600
	2300
1 set Transformers (Step down 2300	
	220
	55,000.00
Meters 3 miles No. 0 Transmission Line (30 poles per mi)	
Wiring Buildings, and installation of plant etc.	

Stock House.

1 sack cleaning machine, in place	\$ 1,000.00
1 5 H.-P. for sack cleaning, in place	175.00
3 7 1-2 H.-P. Sackers, in place	935.00
Total	\$ 2,110.00

Machine Shop.

1 18" Lathe, 10' bed, belt driven with chuck	\$ 2,500.00
1 20" Champion Drill Press Motor Driven	350.00
1 No. 7 Atkins Power Saw	350.00
1 2 H.-P. Emery Grinder	275.00
1 Electric Welding Outfit	2,100.00
1 Forge	100.00
1 25 H.-P. Motor	550.00
Total	\$ 6,225.00

Elevating and Conveying Equipment.

Elevators, Conveyors and Rocker Feeders, erected	\$ 70,000.00
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Elevators and Conveyor Motors—

4 5 H.-P. Motors @ \$175.00 each, erected	700.00
4 7 1-2 H.-P. Motors @ \$315.00 each, erected	1,260.00
11 15 H.-P. Motors @ \$450.00 each, erected	4,950.00
1 50 H.-P. Motor @ \$1,350.00 each, erected	1,350.00

Total \$ 78,260.00

Machinery and Equipment for Water System.

1 12"x12" Ingersol-Rand Air Compressor, erected	\$ 2,200.00
1 14"x14" Triplex Deming Pump, erected	5,300.00
1 6"x8" Triplex Deming Pump, erected	1,500.00
2 5" Manistee Centrifugal Pumps, erected	1,700.00
1 4" Cameron Pump (Delivering water to tower) erected	675.00
1 30 H.-P. Motor for 6" Pump, erected	875.00
2 25 H.-P. Motors for 5" Pump, erected	1,080.00
1 25 H.-P. Motor for 4" Pump, erected	540.00
1 75 H.-P. Motor for Air Compressor, erected	1,700.00
1 30,000 Gal. Steel Water Tower and Riser pipe, erected	7,500.00
1,000 lin. ft. 6" water main @ \$1.35 per lin. ft.	1,350.00
1,000 lin. ft. 4" water main @ .80 per lin. ft.	800.00
1,000 lin. ft. 2" water main @ .25 per lin. ft.	250.00
Laying 1,000 ft. 6" water main @ \$1.15 per lin. ft.	1,150.00
Laying 1,000 ft. 4" water main @ 1.15 per lin. ft.	1,150.00
Laying 1,000 ft. 2" water main @ 1.10 per lin. ft.	1,100.00
5 2" Hydrants in place @ \$10.00 each	50.00
500 2" fire hose and 2 reels	655.00
5 6" Deep Wells (2,000' deep)	50,000.00

Total \$ 79,575.00

Miscellaneous.

Footings and foundations for Machinery and Motors	
800 C. Y. @ \$20.00	\$ 16,000.00
5,000 lin. ft. track 60 lb. rail, switches etc., laid @ \$5.00 per lin. ft.	25,000.00
Land for Quarry and Mill Site, 100 ac. @ \$250.00 per acre	25,000.00

Total \$ 66,000.00

Stock for Operation.

5,000 bbls. fuel oil @ \$1.25 per bbl.	\$ 6,250.00
600,000 cement sacks @ .15 per sack	90,000.00
Miscellaneous supplies and tools	5,000.00

Total \$101,250.00

Summary of Costs.

Buildings (Incl. Office and Lab. fixtures)	\$388,759.00
Quarry Equipment	88,980.00
Mill and Power Plant Equipment	788,830.00
Industry Tracks	25,000.00

Total \$1,291,569.00

Contingencies 10 per cent on \$1,291,569.00	\$129,156.90
Supt. and Eng. 5 per cent on \$1,291,569.00	64,578.45

Total \$193,735.35

Mill and Quarry site	25,000.00
(600,000 sacks @ 15c	90,000.00
Supplies (5,000 bbls. fuel oil @ \$1.25	6,250.00

(Miscellaneous -----	5,000.00	
		\$ 319,985.35
Total -----		\$1,611,554.35
Interest on \$1,611,554.35 @ 5 % (Constr. Per.)		\$ 80,577.72
Working Capital -----		50,000.00
Total -----		\$1,742,132.07
Estimated Operating Cost of 2,000 Barrel Daily Capacity Cement Plant, 600,000 Annual Capacity.		
Interest on \$1,742,132.07 (Est. Cost) @ 5 % -----		\$ 87,106.60
Depreciation on \$1,485,304.35 @ 6 % -----		89,118.26
Fuel Oil, 200,000 Barrels @ \$1.25 per bbl. -----		250,000.00
Power, 10,000 K. W. Hr. @ 1 3-4c per K. W. Hr. -----		189,000.00
(18 K. W. Hr. per bbl.)		
Repairs and Supplies, Quarry @ 6c per bbl. -----		36,000.00
Repairs and Supplies, Mill @ 5c per bbl. -----		30,000.00
Gypsum @ 4 1-2c per bbl. -----		27,000.00
Labor and Superintendence @ 22c per bbl. -----		132,000.00
Administration and Office Expense @ 5c per bbl. -----		30,000.00
Insurance on \$1,503,641.00 @ \$1.60 per \$100 -----		24,058.00
Loss on Sacks @ 1c per bbl. -----		6,000.00
Royalties on Packing Machines @ 2c per bbl. -----		12,000.00
Total -----		\$912,282.86
Cost per bbl., based on Annual Production 600,000 bbls., \$1.5205.		
Note: The above cost does not include State and County taxes.		

Administration.

1 General Manager	@ \$400.00 per Mo. -----	\$ 400.00
1 Assistant General Manager	@ 250.00 per Mo. -----	250.00
1 Bookkeeper	@ 200.00 per Mo. -----	200.00
1 Assistant Bookkeeper	@ 150.00 per Mo. -----	150.00
1 Assistant Bookkeeper	@ 125.00 per Mo. -----	125.00
2 Stenographers	@ 125.00 per Mo. ea. -----	250.00
2 Typists	@ 100.00 per Mo. ea. -----	200.00
1 Chief Chemist	@ 250.00 per Mo. -----	250.00
2 Assistant Chemists	@ 150.00 per Mo. -----	300.00
Miscellaneous Office Expenses	@ 250.00 per Mo. -----	250.00
Traveling Expenses	@ 200.00 per Mo. -----	200.00
Total -----		\$2,575.00

Labor and Superintendence—Quarry Force.

2 Steam Shovel Engineers	@ \$175.00 per Mo. ea. -----	\$ 350.00
2 Steam Shovel Cranemen	@ 150.00 per Mo. ea. -----	300.00
2 Steam Shovel Firemen	@ 125.00 per Mo. ea. -----	250.00
3 Locomotive Engineers	@ 200.00 per Mo. ea. -----	600.00
5 Brakemen	@ 150.00 per Mo. ea. -----	750.00
1 Well Driller	@ 135.00 per Mo. ea. -----	135.00
1 Track Foreman	@ 125.00 per Mo. ea. -----	125.00
25 Track and Quarry Laborers	@ 75.00 per Mo. ea. -----	1,875.00
Total -----		\$4,385.00

Mill Men.

1 Crusher Foreman	@ \$125.00 per Mo. -----	\$ 125.00
4 Helpers	@ 75.00 per Mo. ea. -----	300.00
2 Raw Millers	@ 125.00 per Mo. ea. -----	250.00

2 Raw Millers Helpers	@ 100.00 per Mo. ea.	200.00
2 Kiln Burners	@ 150.00 per Mo. ea.	300.00
2 Kiln Burners Helpers	@ 100.00 per Mo. ea.	200.00
2 Finishing Millers	@ 150.00 per Mo. ea.	300.00
2 Finishing Millers Helpers	@ 100.00 per Mo. ea.	200.00
1 General Foreman Raw Mill	@ 175.00 per Mo. ea.	175.00
4 Sackers	@ 135.00 per Mo. ea.	540.00
6 Helpers	@ 100.00 per Mo. ea.	600.00
10 Yardmen	@ 75.00 per Mo. ea.	750.00
1 Packing House Foreman	@ 175.00 per Mo.	175.00
Total		\$4,115.00

Power Plant and Pump House.

2 Electricians	@ \$150.00 per Mo. ea.	\$ 300.00
2 Helpers	@ 100.00 per Mo. ea.	200.00
2 Engineers	@ 150.00 per Mo. ea.	300.00
2 Helpers	@ 100.00 per Mo. ea.	200.00
1 Machinist Foreman	@ 150.00 per Mo. ea.	150.00
4 Machinist Helpers	@ 115.00 per Mo. ea.	460.00
1 Repair Foreman	@ 150.00 per Mo.	150.00
6 Repair Helpers	@ 100.00 per Mo. ea.	600.00

Total \$2,360.40

1 Plant Superintendent	@ 250.00 per Mo.	250.00
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Total Labor and Superintendence \$11,110.00 per Mo. \$133,320.00
 Cost of Labor and Superintendence 600,000 Bbls. Product. Per Bbl. 22.22c

EXHIBIT IV.

Portland Cement.

	Per Bag	Per Bbl.
Atlanta, Ga.	\$.....	\$2.36-
Baltimore, Md.	.....	2.25-2.65
Birmingham, Ala.	.....	2.00-
Boston, Mass.	.68 1/4	2.23-2.73
Buffalo, N. Y.	.62 1/2	2.00-2.50
Butte, Mont.	.90 1/4	3.61-
Cedar Rapids, Iowa	.....	2.24-
Charleston, S. C.	.....	2.25-2.65
Cheyenne, Wyo.	.64	2.56-
Chicago, Ill.	.....	2.05-2.45
Cincinnati, Ohio	.....	2.22-2.62
Cleveland, Ohio	.....	2.24-2.64
Columbus, Ohio	.....	2.22-2.62
Dallas, Texas	.....	1.80-
Davenport, Iowa	.....	2.24-
Dayton, Ohio	.....	2.24-2.64
Denver, Colo.	.63 3/4	2.55-
Des Moines, Iowa	.....	2.14-
Detroit, Mich.	.....	1.95-2.35
Duluth, Minn.	.....	2.04-
Houston, Texas	.....	1.90-
Indianapolis, Ind.	.54 3/4	2.09-2.49
Jackson, Miss.	.....	2.44-
Jacksonville, Fla.	.....	2.60-
Jersey City, N. J.	.....	2.13-2.53
Kansas City, Mo.	.45 1/2	1.82-
Los Angeles, Calif.	.62 1/2	2.50-
Louisville, Ky.	.55 1/2	2.57-
Memphis, Tenn.	.....	2.04-2.44

Milwaukee, Wis.	2.20-2.60
Minneapolis, Minn.	2.12-2.22
Montreal, Que.	1.60-
New Orleans, La. ....	.451 $\frac{1}{2}$ 1.82-
New York, N. Y. ....	.60 $\frac{3}{4}$ 1.93-2.43
Norfolk, Va.	1.97-
Oklahoma City, Okla. ....	.57 $\frac{1}{4}$ 2.29-
Omaha, Neb. ....	.54 2.16-
Peoria, Ill.	2.22-
Philadelphia, Pa.	2.11-2.61
Phoenix, Ariz.	3.91-
Pittsburgh, Penn.	2.04-
Portland, Ore.	2.40-2.90
Reno, Nev.	3.41-
Richmond, Va.	2.32-2.80
Salt Lake City, Utah ....	.70 $\frac{1}{4}$ 2.81-
San Francisco, Calif.	2.71-
Savannah, Ga.	2.80-
St. Louis, Mo. ....	.48 $\frac{3}{4}$ 1.95-2.35
St. Paul, Minn.	2.12-2.22
Seattle, Wash.	2.50-
Tampa, Fla.	2.40-
Toledo, Ohio	2.20-2.60
Topeka, Kans. ....	.50 $\frac{1}{4}$ 2.01-
Tulsa, Okla. ....	.53 $\frac{1}{4}$ 2.13-
Wheeling, W. Va.	2.12-2.52
Winston-Salem, N. C.	2.29-2.69

IN HONOR

of

H. J. GRAHAM

The Chair laid before the Senate H. C. R. No. 22 by Mr. Petsch:

WHEREAS, the Honorable H. J. Graham of Boerne, Kendall County, Texas, did heretofore erect a monument in Boerne, County Seat of Kendall County, dedicated to those who made the supreme sacrifice in the late World War and subscribed thereon the names of every person from Kendall County who died in the service of his country in such contest; and,

WHEREAS, Mr. Graham has thereby set an example wherein patriotic citizens may assist in preserving the names and memory of those who gave their lives for those principles which sought to make the world safe for democracy; and

WHEREAS, such patriotic service as rendered by Mr. Graham is worthy of the attention of all liberty-loving citizens and of the Legislature of the State of Texas;

NOW, THEREFORE, BE IT RESOLVED: That the Legislature of the State of Texas express its appreciation to Mr. Graham for his chivalrous act and his patriotic and worthwhile citizenship; and that to accomplish such purpose a copy of this resolution, properly attested, be transmitted to Mr. Graham, and that a page be set aside in the Journal of both branches to exclusively evidence the resolution, and that the adjournment of the bodies on the day of the adoption of this resolution in the two Houses be, respectively, in memory of said Act.

Read and unanimously adopted.